

STATEMENT OF INFORMATION

HEARINGS

BEFORE THE

COMMITTEE ON THE JUDICIARY

HOUSE OF REPRESENTATIVES

NINETY-THIRD CONGRESS

SECOND SESSION

PURSUANT TO

H. Res. 803

A RESOLUTION AUTHORIZING AND DIRECTING THE COMMITTEE
ON THE JUDICIARY TO INVESTIGATE WHETHER SUFFICIENT
GROUNDS EXIST FOR THE HOUSE OF REPRESENTATIVES TO
EXERCISE ITS CONSTITUTIONAL POWER TO IMPEACH

RICHARD M. NIXON

PRESIDENT OF THE UNITED STATES OF AMERICA

BOOK IV—PART 1

EVENTS FOLLOWING
THE WATERGATE BREAK-IN

March 22, 1973—April 30, 1973



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FOREWORD

By Hon. Peter W. Rodino, Jr., Chairman,
Committee on the Judiciary

On February 6, 1974, the House of Representatives adopted by a vote of 410-4 the following House Resolution 803:

RESOLVED, That the Committee on the Judiciary acting as a whole or by any subcommittee thereof appointed by the Chairman for the purposes hereof and in accordance with the Rules of the Committee, is authorized and directed to investigate fully and completely whether sufficient grounds exist for the House of Representatives to exercise its constitutional power to impeach Richard M. Nixon, President of the United States of America. The committee shall report to the House of Representatives such resolutions, articles of impeachment, or other recommendations as it deems proper.

Beginning in November 1973, acting under resolutions referred to the Committee by the Speaker of the House and with a special appropriation, I had begun to organize a special staff to investigate serious charges against the President of the United States.

On May 9, 1974, as Chairman of the Committee on the Judiciary, I convened the Committee for hearings to review the results of the Impeachment Inquiry staff's investigation. The staff began its initial presentation the same day, in executive session, pursuant to the Committee's Impeachment Inquiry Procedures adopted on May 2, 1974.

By June 21, the Inquiry staff had concluded its initial presentation.

On June 25, the Committee voted to make public the initial presentation including substantially all of the supporting material

presented at the hearings. The Committee also voted to make public the President's response, which was presented to the Committee on June 27 and June 28 in the same form and manner as the Inquiry staff's initial presentation.

Statements of information and supporting evidentiary material were compiled by the Inquiry staff in 36 notebooks and furnished in this form to each Member of the Committee. The notebooks presented material on several subjects of the Inquiry: the Watergate break-in and its aftermath, ITT, dairy price supports, domestic surveillance, abuse of the IRS, and the activities of the Special Prosecutors.

The staff also presented to the Committee written reports on President Nixon's income taxes, Presidential impoundment of funds appropriated by Congress, and the bombing of Cambodia.

Fifteen notebooks were furnished to the Members of the Committee relating to the Watergate break-in on June 17, 1972 and to events following the break-in, through April 30, 1973. In each notebook a statement of information relating to a particular phase of the investigation was immediately followed by supporting evidentiary material, which included copies of documents and testimony (much already on public record), transcripts of Presidential conversations and affidavits.

The fifteen volumes related to the Watergate phase of the Inquiry were divided into four books, as follows:

Book I - Events Prior to the Watergate Break-In
12/2/71 - 6/17/72

Book II - Events Following the Watergate Break-In
6/17/72 - 2/9/73

Book III - Events Following the Watergate Break-In
6/20/72 - 3/22/73

Book IV - Events Following the Watergate Break-In
3/22/73 - 4/30/73

Book I dealt with events prior to the Watergate break-in. Book II dealt with allegations involving Presidential interference with the official Department of Justice investigation. Book III dealt with allegations concerning payments of "hush" money to Watergate defendants to insure their silence, offers of leniency and executive clemency, and the instigating or making of false statements to persons connected with an official investigation of Watergate; Book III also included a chronology of events between February 9 and March 22, 1973. Book IV dealt with events relating to the President's investigation of the Watergate break-in and alleged cover-up between March 22 and April 30, 1973.

Every effort was made to preclude inferences in the presentation of this material. A deliberate and scrupulous abstention from conclusions, even by implication, was observed.

With respect to the Presidential recorded conversations, the Committee determined to hear the recorded conversations in their entirety. The Presidential recorded conversations were neither paraphrased nor summarized by the Inquiry staff. Thus, no inferences, or conclusions were drawn for the Committee. During the course of the hearings, Members of the Committee heard each recording and simultaneously followed transcripts prepared by the Inquiry staff. Each of

these transcripts is reprinted under the appropriate Statement of Information.

During the course of the hearings, the Committee found it necessary to issue four subpoenas to President Richard Nixon requiring tape recordings of 98 Presidential conversations as well as all papers and things prepared by, sent to, received by, or at any time contained in the files of H. R. Haldeman, John D. Ehrlichman, Charles W. Colson, John Dean, III, and Gordon Strachan to the extent that such papers or things related or referred directly or indirectly to the break-in and electronic surveillance of the Democratic National Committee Headquarters in the Watergate office building during May and June of 1972 or the investigations of that break-in by the Department of Justice, the Senate Select Committee on Presidential Campaign Activities, or any other legislative, judicial, executive or administrative body, including members of the White House staff.

The Committee also subpoenaed the President's daily diaries (logs of Presidential meetings, telephone calls, and other activities) for the periods April through July 1972, February through April 1973, July 12 through July 31, 1973 and October 1973.

In response to these subpoenas, the President furnished only edited White House transcripts of 31 of the subpoenaed conversations between March 17 and April 18, 1973. These edited transcripts were summarized by the Inquiry staff and made a part of the evidentiary material presented to the Committee. To the extent that the President declined to comply with the Committee's subpoenas and produce the

required material, the record of the Committee now made public in these volumes is incomplete.

In a few instances, Ranking Minority Member Mr. Hutchinson and I determined, pursuant to authority granted us by the Committee, to defer the release of evidentiary material or to delete it for one of the following reasons:

- 1) Because the public interest in making the material public was outweighed by the potential prejudice to the rights of defendants under indictment and awaiting trial.
- 2) Because the information was classified or otherwise required confidential treatment,
- 3) Because the material was only marginally pertinent and was considered to be defamatory, degrading or embarrassing, or,
- 4) Because the material was not pertinent to Presidential responsibility within the outer limits of an impeachable offense within the meaning of the Constitution.

The Committee on the Judiciary is working to follow faithfully its mandate "to investigate fully and completely" whether or not sufficient grounds exist to recommend that the House exercise its constitutional power of impeachment.

I believe that the readers of these volumes will see that the Committee's primary effort in carrying out its mandate has been to obtain an objective, impartial presentation which will enable each Member of the Committee to make an informed judgment in fulfilling his or her constitutional responsibility.

I also believe that the publication of the record of these hearings will provide readers with a clear idea of the particulars of the investigation and that the proximity of the evidence will assure them that no statement of information is offered without supporting evidentiary material.

Pete W. Rind

July 1974

CONTENTS

	Page
Foreword.....	iii
Introductory Note.....	xi
Statement of Information.....	1
Statement of Information and Supporting Evidentiary Material - Part 1.....	105

NOTE: Book IV is published in three parts. Part 1 contains the entire statement of information and supporting evidentiary material for paragraphs 1-33. Part 2 contains copies of paragraphs 34-57 and the supporting evidentiary material for those paragraphs. Part 3 contains copies of paragraphs 58-90 and the supporting evidentiary material for those paragraphs.

INTRODUCTORY NOTE

The material contained in this volume is presented in two sections. Section 1 contains a statement of information footnoted with citations to evidentiary material. Section 2 contains the same statement of information followed by the supporting material.

Supporting material consists of information obtained at hearings before the Senate Select Committee on Presidential Campaign Activities; information developed in executive session by other Congressional committees; information furnished to the Committee by the Grand Jury of the District of Columbia and by other grand juries; information furnished to the Committee by government agencies; transcripts of tape recordings of conversations among President Nixon and his key associates prepared by the Committee staff; information furnished to the Committee by the President, the Executive Departments of the Government, the Special Prosecutor, and other information obtained by the Committee, much of which was already on the public record.

Each page of supporting evidence is labeled with the footnote number and a description of the document or the name of the witness testifying. Copies of entire pages of documents and testimony are included, with brackets around the portions pertaining to the statement of information. Markings on the documents include item numbers and receipt stamps of the House Judiciary Committee and other agencies from which the Committee received material.

In a few instances, names of persons in sensitive positions have been deleted from documents at the request of the CIA, FBI and other investigative agencies. Some documents contained deletions when the Committee received them.

In the citation of sources, the following abbreviations are used: "SSC" for Senate Select Committee on Presidential Campaign Activities; "SJC" for Senate Judiciary Committee; and "HJC" for House Judiciary Committee.

STATEMENT OF INFORMATION

EVENTS FOLLOWING

THE WATERGATE BREAK-IN

March 22, 1973 - April 30, 1973

Part 1

1. On March 22, 1973 from 1:57 to 3:43 p.m. there was a meeting among the President, John Mitchell, H. R. Haldeman, John Ehrlichman and John Dean. The following is an index to certain of the subjects discussed in the course of that meeting:

TRANSCRIPT PAGE

Nature and purpose of a written report on Watergate-related matters to be drafted by John Dean.	22-33, 52-53, 57, 74-75
White House contacts with the Senate Select Committee, and discussion of the activities of that Committee.	7-19, 27-32, 35, 46-51, 58-61, 64-68
White House position on doctrine of executive privilege, and possible changes in that position.	14, 19-21, 32-44, 62, 64, 67-69, 76
White House relationship to future Grand Jury investigations.	56-58
Reference to White House approach to disclosure as "modified limited hang out" and other discussion relating to disclosure.	70-74, 81-82, 86

Page

1.1	Tape recording of meeting among the President, John Mitchell, H. R. Haldeman, John Ehrlichman and John Dean, March 22, 1973, 1:57 - 3:43 p.m., and House Judiciary Committee transcript thereof.....	108
1.2	H. R. Haldeman notes, March 22, 1973 (received from Watergate Grand Jury).....	212

2. On March 22, 1973, during the meeting specified in the preceding paragraph, the President telephoned Attorney General Kleindienst and spoke to him from 2:19 to 2:26 p.m. According to the White House log of meetings and conversations between the President and the Attorney General, except for the President's cabinet meeting on March 9, the last previous meeting or conversation between the President and Attorney General Kleindienst occurred on March 1, 1973. The President directed Kleindienst to be the Administration's contact with Senator Howard Baker in connection with the hearings to be conducted by the Senate Select Committee. He asked Kleindienst to give Senator Baker "guidance," to be "our Baker handholder," to "babysit him, starting in like, like ten minutes."

Page

2.1	Tape recording of meeting among the President, John Mitchell, H. R. Haldeman, John Ehrlichman and John Dean, March 22, 1973, 1:57 - 3:43 p.m., and House Judiciary Committee transcript thereof.....	214
2.2	Meetings and conversations between the President and Richard Kleindienst, March 22, 1973 (received from White House).....	215

3. On the morning of March 23, 1973 Judge John Sirica read in open court a letter that James McCord had written on March 19, 1973. The letter alleged in part that political pressure to plead guilty and remain silent had been applied to the defendants in the Watergate trial; that perjury had occurred during the trial; and that others involved in the Watergate operation were not identified when they could have been by those testifying. At this time, Judge Sirica deferred final sentencing of all defendants except Gordon Liddy. Judge Sirica stated that in imposing sentence he would weigh as a factor the defendants' cooperation with the ongoing Watergate investigations.

	Page
3.1 <u>United States v. Liddy</u> docket, March 23, 1973, 28-29.....	218
3.2 <u>United States v. Liddy</u> transcript of proceedings, March 23, 1973, 2-6, 33-40.....	220

4. On the morning of March 23, 1973 members of the press attempted to question John Dean regarding Patrick Gray's testimony at his confirmation hearings on the previous day that Dean "probably lied" when he told FBI agents on June 22, 1972 that he did not know whether Howard Hunt had a White House office. Later in the morning of March 23 Dean was informed by Paul O'Brien, an attorney for CRP, that a letter from James McCord to Judge Sirica had been read in open court. Dean has testified that he then telephoned Ehrlichman to inform him of McCord's letter and that Ehrlichman stated he had already received a copy. In the early afternoon of March 23 the President telephoned Dean from Key Biscayne. Dean has testified that the President told him, "Well, John, you were right in your prediction." Dean has testified that the President suggested that Dean and his wife go to Camp David and get some relaxation, and that Dean analyze the situation and report back to him.

	Page
4.1 John Dean testimony, 3 SSC 1002-03.....	236
4.2 L. Patrick Gray testimony, SJC, Gray Nomination Hearings, March 22, 1973, 671.....	238
4.3 Meetings and conversations between the President and John Dean, March 23, 1973 (received from White House).....	239

5. On March 23, 1973 the President telephoned Patrick Gray at 1:11 p.m. According to the President's logs the last time the President had spoken to Gray was on February 16, 1973. Gray has testified that he cannot remember the President's precise words, but that the call was a "buck up call" in which the President told Gray that he knew the beating Gray had taken at his confirmation hearing; that it was very unfair; and that there would be another day to get back at their enemies. Gray has testified that he remembered distinctly that the President said to him, "You will remember, Pat, I told you to conduct a thorough and aggressive investigation." Gray also has testified that from March 21 on he received no order from the President or anyone implementing a Presidential directive to get all the facts with respect to the Watergate matter and report them directly to the President.

	Page
5.1 Meetings and conversations between the President and L. Patrick Gray, March 23, 1973 (received from White House).....	242
5.2 L. Patrick Gray log, March 23, 1973 (received from SSC).....	243
5.3 L. Patrick Gray testimony, 9 SSC 3489-91, 3506-07.....	244

6. On March 23, 1973 the President met with H. R. Haldeman in Key Biscayne, Florida from 1:25 to 1:45 p.m. and from 2:00 to 6:30 p.m. Haldeman has testified that on March 23 the President told him that he had been informed about the McCord letter and its contents, and that the President asked Haldeman to call Charles Colson to ask if Colson had ever offered Howard Hunt clemency or had any conversation with Hunt about clemency. Haldeman telephoned Colson some time before 2:15 p.m. on March 23 and asked what commitment Colson had made to Howard Hunt with respect to the commutation of his sentence. Colson reported to Haldeman on this matter. Immediately after this conversation Colson dictated a memorandum of the conversation for the file. Colson's memorandum states, in part, that he told Haldeman that he made no representations nor used any one else's name in the conversation; that he had only told Hunt's lawyer that as long as he was around he would do anything he could to help Hunt. Colson's memorandum states that Haldeman asked what would happen if Hunt "blew" and that Colson replied that "it would be very bad" and that Hunt "would say things that would be very damaging." Colson's memorandum states that Haldeman replied, "then we can't let that happen."

Page

6.1	Meetings and conversations between the President and H. R. Haldeman, March 23, 1973 (received from White House).....	250
6.2	H. R. Haldeman testimony, 8 SSC 3075-76.....	251
6.3	Charles Colson draft statement prepared for delivery to the SSC, September 1973, 1, 41-43.....	253
6.4	Memorandum for the file from Charles Colson, March 23, 1973 (received from SSC).....	257

7. According to Colson's memorandum to the file regarding the telephone conversation between Colson and Haldeman described in the preceding paragraph, Haldeman also questioned Colson about a telephone conversation Colson had had with Magruder. Colson reported to Haldeman that one night in January or February 1972 Hunt and Liddy had come to Colson's office, and Hunt had stated that Liddy had some excellent plans and ideas for intelligence and counterintelligence which he had not been able to have approved at CRP. Colson told Haldeman that without learning of the details of the plan or endorsing the plan, Colson had telephoned Magruder, had asked Magruder to advise Liddy whether he was going to be used in the campaign, and had told Magruder that Hunt was a good man and that his ideas should be considered. Colson told Haldeman that Magruder had assured Colson that the plan would be considered. Haldeman told Colson that Magruder might not remember the conversation the same way and that Magruder thought Colson had told him to start Liddy's operation. Haldeman also told Colson that the reason for Haldeman's call was to help decide whether all White House aides should volunteer immediately to go before the Grand Jury waiving all privilege. Haldeman said he was concerned that the President not appear to be covering up.

Page

7.1 Memorandum for the file from Charles Colson,
March 23, 1973 (received from SSC)..... 262

See Book I, Tab 6 for additional evidence regarding
Colson's 1972 telephone conversation with Magruder.

8. On the afternoon of March 23, 1973 Dean and his wife went to Camp David, Maryland. The White House compilation of meetings and conversations between the President and John Dean indicate that the President spoke by telephone with Dean at Camp David from 3:28 to 3:44 p.m. Dean has testified that after the operator said that the President was calling Haldeman came on the line and said that while Dean was at Camp David he should spend some time writing a report on everything he knew about Watergate. Dean has testified that when he asked whether the report was for internal or public use Haldeman said that would be decided later. Haldeman has testified that Dean had been told to write a report prior to the time he left for Camp David.

	Page
8.1 John Dean testimony, 3 SSC 1002-03.....	266
8.2 H. R. Haldeman testimony, 7 SSC 2901.....	268
8.3 Meetings and conversations between the President and John Dean, March 23, 1973 (received from White House).....	269

9. Between March 23 and March 28, 1973 John Dean stayed at Camp David and attempted to prepare a report on matters relating to the break-in at the DNC headquarters and the investigation of the break-in. A draft of portions of a report was prepared by Dean, and partially typed. It related certain events before and after the Watergate break-in. The draft report made no reference to Dean's meetings with the President or to any statements or actions by the President. Dean has testified that during his stay at Camp David he decided that he would have to think of some way for the President to get out in front of the matter and that, during a telephone conversation with Haldeman, he discussed the creation of an independent Warren-type commission. On March 28, 1973 Haldeman called Dean and requested that he return to Washington to meet with Mitchell and Magruder.

	Page
9.1 John Dean testimony, 3 SSC 1003-06.....	272
9.2 John Dean testimony, SSC Executive Session, June 16, 1973, 132-35.....	276
9.3 John Dean Camp David report, SSC Exhibit No. 34-43, 3 SSC 1263-93.....	280

10. On March 26, 1973 the Los Angeles Times reported that James McCord had told investigators for the Senate Select Committee that both John Dean and Jeb Magruder had prior knowledge of the break-in at the DNC headquarters. On this same morning, H. R. Haldeman, who was with the President in Key Biscayne, Florida called Dean at Camp David. They discussed Dean's recollection of facts relating to the authorization of the Liddy Plan. Haldeman has testified that he asked Dean if he would have any problems if the President announced that day that he was requesting that Dean go to the grand jury without immunity; Dean replied that he would have no problem with appearing before the grand jury, but that his testimony concerning the number and purpose of the meetings among Dean, John Mitchell, Gordon Liddy and Magruder would conflict with the testimony previously given by Magruder; Dean stated that there were other areas of concern, such as payments to the defendants by Kalmbach, the \$350,000, the Hunt threat, and Colson's talk about helping Hunt. Following his telephone call with Dean, Haldeman met with the President. Haldeman has testified that the President decided to drop his plan to announce that Dean would be requesting an appearance immediately before the grand jury. Haldeman has testified that the problem was that Dean had not really sorted out the facts at that point and it was not appropriate for him to go to the grand jury.

10.1	<u>Los Angeles Times</u> , March 26, 1973, 1, 12.....	313
10.2	Meetings and conversations between the President and H. R. Haldeman, March 26, 1973 (received from White House).....	315
10.3	H. R. Haldeman calendar, March 26, 1973 (received from SSC).....	316
10.4	H. R. Haldeman testimony, 7 SSC 2901-2902.....	317

11. On March 26, 1973 the President, in the presence of H. R. Haldeman, instructed Ronald Ziegler, his press secretary, to express the President's confidence in John Dean. Ziegler announced publicly on that day that the President had "absolute and total" confidence in Dean.

	Page
11.1 Ronald Ziegler testimony, Watergate Grand Jury, February 12, 1974, 62-65 (received from Watergate Grand Jury).....	320
11.2 <u>Los Angeles Times</u> , March 27, 1973, 1, 11.....	324
11.3 AP and UPI wire clips, March 26, 1973 (received from Watergate Grand Jury).....	325

12. March 26, 1973 John Dean telephoned Jeb Magruder and Dean made a recording of the conversation. Dean has testified that at Haldeman's suggestion he telephoned Magruder and taped this conversation. Magruder acknowledged that the Los Angeles Times story stating that Dean had prior knowledge of the break-in was a "bum rap" for Dean. There was also discussion about the number and purpose of meetings among John Mitchell, Gordon Liddy, Magruder and Dean. Magruder told Dean that Magruder had testified that there had been "one meeting, not two," and that the purpose of the meeting was to go over the general framework of the job of CRP general counsel.

	Page
12.1 John Dean testimony, 3 SSC 1004.....	332
12.2 Taped conversation between Dean and Magruder, March 26, 1973, SSC Exhibit No. 34-40, 3 SSC 1258-59.....	333

13. On March 26, 1973 the District of Columbia United States Attorney's office filed in open court a motion for an order compelling Gordon Liddy to testify under a grant of immunity before the grand jury investigating the Watergate break-in. As of March 27, 1973 Judge Sirica granted leave to proceed forthwith with grand jury interrogation of Howard Hunt and other of the convicted Watergate defendants. From March 28, 1973 through April 5, 1973 hearings were held in open court and orders were entered compelling Howard Hunt, Gordon Liddy and the remaining Watergate defendants to testify before the grand jury under grant of immunity.

Page

13.1	<u>In re Grand Jury</u> , Misc. 47-73, docket, March 26 1973, March 28 - April 5, 1973.....	336
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14. On March 27, 1973 Jeb Magruder met with John Mitchell in New York City and discussed the potential of Magruder's being brought before the grand jury on a perjury count. Magruder has testified that he received from Mitchell assurances respecting continued salary and that they discussed executive clemency. Mitchell has testified that with respect to support, he told Magruder that he "was a very outstanding young man and I liked and I worked with and to the extent that I could help him in any conceivable way, I would be delighted to do so." Mitchell has testified that he did not make any promises of executive clemency. During the conversation, Magruder asked for a meeting with Haldeman.

	Page
14.1 Jeb Magruder testimony, 2 SSC 806-07.....	340
14.2 Jeb Magruder testimony, SSC Executive Session, June 12, 1973, 111-12.....	342
14.3 John Mitchell testimony, 4 SSC 1633-34.....	344

15. On March 27, 1973 the President met from 11:10 a.m. to 1:30 p.m. with John Ehrlichman and from 11:35 a.m. to 1:35 p.m. with H. R. Haldeman. Ehrlichman has testified that at this meeting the President directed him to contact Attorney General Kleindienst. The President has stated that on March 27, 1973 he directed that Kleindienst be told to report directly to the President anything he found in the Watergate area. The President has produced an edited transcript of this conversation and a summary of that transcript has been prepared.

	Page
15.1 Meetings and conversations between the President and H. R. Haldeman, March 27, 1973.....	348
15.2 Meetings and conversations between the President and John Ehrlichman, March 27, 1973.....	349
15.3 John Ehrlichman testimony, 7 SSC 2747-48.....	350
15.4 President Nixon news conference, August 22, 1973, 9 Presidential Documents 1016, 1019.....	352
15.5 House Judiciary Committee staff summary of White House edited transcript of conversation among the President, H. R. Haldeman and John Ehrlichman, March 27, 1973, 11:10 a.m. - 1:30 p.m.....	354

16. On March 28, 1973 Mitchell and Haldeman met with Magruder in Haldeman's office. They discussed Magruder's false testimony regarding the approval of the Liddy Plan. Haldeman telephoned Dean and requested that he return from Camp David to meet with Mitchell and Magruder. Dean has testified that on his return he went directly to Haldeman's office; that Haldeman told him that Mitchell and Magruder were waiting in another office to discuss with Dean his knowledge of the January and February 1972 meetings in Mitchell's office; that Dean said he would not lie about those meetings; and that Haldeman said he did not want to get into it but Dean should work it out with Mitchell and Magruder. Dean met with Mitchell and Magruder. Following the meeting, both Mitchell and Dean reported to Haldeman that there was a problem as to what the facts were regarding the 1972 meetings.

	Page
16.1 H. R. Haldeman deposition, <u>Democratic National Committee v. McCord</u> , May 22, 1973, 213-18, 222-23, 229.....	374
16.2 John Dean testimony, 3 SSC 1005-07.....	383
16.3 John Dean testimony, 4 SSC 1379, 1425.....	386
16.4 H. R. Haldeman telephone log, March 28, 1973 (received from SSC).....	388
16.5 John Mitchell testimony, 4 SSC 1634-35.....	389
16.6 John Mitchell testimony, 5 SSC 1914.....	391
16.7 Jeb Magruder testimony, 2 SSC 807-08.....	392
16.8 Jeb Magruder testimony, SSC Executive Session, June 12, 1973, 111-14.....	394

17. On March 28, 1973 John Ehrlichman telephoned Attorney General Kleindienst on the President's instructions and asked Kleindienst a series of questions which the President had dictated and which Ehrlichman had hand written on a piece of paper. Ehrlichman, during the conversation, told Kleindienst that the President directed him to tell the Attorney General that the best information he had or has is that neither Dean, Haldeman, Colson nor Ehrlichman nor anybody in the White House had any prior knowledge of the Watergate burglary and that the President was counting on the Attorney General to provide him with any information to the contrary and to contact him direct. Ehrlichman also told the Attorney General that serious questions were being raised with regard to John Mitchell and the President wanted the Attorney General to communicate to him any evidence or inferences on that subject.

	Page
17.1 John Ehrlichman log, March 28, 1973 (received from SSC).....	400
17.2 John Ehrlichman testimony, 7 SSC 2747-50.....	401
17.3 Richard Kleindienst testimony, 9 SSC 3569.....	405
17.4 Transcript of recorded telephone conversation between Ehrlichman and Kleindienst, March 28, 1973, SSC Exhibit No. 99, 7 SSC 2944-46.....	406
17.5 Dictabelt recording of a telephone conversation between Ehrlichman and Kleindienst on or about March 28, 1973 and House Judiciary Committee transcript thereof.....	409
17.6 President Nixon statement, August 15, 1973, 9 Presidential Documents 991, 993.....	422
17.7 President Nixon news conference, August 22, 1973, 9 Presidential Documents 1016, 1019.....	424

18. On August 22, 1973 the President publicly stated that on the 29th of March he directed Ehrlichman to continue the investigation that Dean was unable to conclude.

Page

18.1 President Nixon news conference, August 22, 1973,
9 Presidential Documents 1016, 1019..... 428

19. On March 29, 1973 a report of James McCord's testimony at an executive session in the Senate Select Committee on March 28, 1973 appeared in the national press. The report said, among other things, that McCord testified that he had been told that John Mitchell, Charles Colson, John Dean and Jeb Magruder had prior knowledge of the Water-gate bugging operation.

	Page
19.1 <u>Washington Post</u> , March 29, 1973, A1, A18.....	432
19.2 James McCord testimony, SSC Executive Session, March 28, 1973, 10-17, 31-32.....	434

20. On August 15, 1973 the President stated that when he learned on March 30, 1973 that Dean had been unable to complete his report he instructed Ehrlichman to conduct an independent inquiry and to bring all the facts to him. On March 30 the President met with John Ehrlichman and Ronald Ziegler from 12:02 to 12:18 p.m. According to the White House edited transcript of this meeting, the only subject discussed was a draft statement to be issued by Ziegler at a press briefing. Ehrlichman has testified that at the noon meeting the President directed him to conduct an inquiry into the Watergate matter. Ehrlichman has testified that the President said he was satisfied John Dean was in this Watergate activity so deeply that he simply could not any longer have anything to do with it; that the President needed to know about executive privilege and the attorney-client privilege; that the President needed someone to set strategy with regard to testifying at the Committee and the grand jury and other places; and that the President needed the truth about the Watergate matter.

	Page
20.1 President Nixon statement, August 15, 1973, 9 Presidential Documents 991, 993.....	447
20.2 Meetings and conversations between the President and John Ehrlichman, March 30, 1973 (received from White House).....	449
20.3 John Ehrlichman log, March 30, 1973 (received from SSC).....	451
20.4 White House edited transcript of meeting among the President, John Ehrlichman and Ronald Ziegler, March 30, 1973, 12:02 to 12:18 p.m.....	452

20.5	John Ehrlichman testimony, 7 SSC 2747-50.....	464
20.6	John Ehrlichman deposition, <u>Democratic National Committee v. McCord</u> , May 22, 1973, 64, 155-56.....	468

21. On March 30, 1973 at 12:30 p.m. Ehrlichman met with Fielding, Dean's assistant. Ehrlichman has testified that he had directed Fielding to deliver Dean's personnel records to Ehrlichman and to brief Ehrlichman about allegations that Dean had been dismissed by a law firm because of unethical conduct. At 3:00 p.m. on March 30, 1973 Ehrlichman and the President flew to San Clemente, where Haldeman joined them on April 1, 1973. They remained in San Clemente until April 8, 1973. While they were at San Clemente, Ehrlichman had a long distance telephone conversation with Dean in which they discussed the allegations that Dean had been involved in unethical conduct.

	Page
21.1 John Ehrlichman log , March 30 and April 8, 1973 (received from SSC).....	472
21.2 John Ehrlichman testimony, 7 SSC 2753.....	474
21.3 H. R. Haldeman testimony, 7 SSC 2903.....	475

22. On March 30, 1973 Ronald Ziegler stated in a press briefing that no one in the White House had any involvement in the Watergate matter. Ziegler also announced that the President reiterated his instructions that any member of the White House staff would appear before the grand jury if called to answer questions regarding that individual's alleged knowledge or possible involvement in the Watergate matter.

	Page
22.1 Transcript of White House press briefing, March 30, 1973, No. 1704, 708 (received from Watergate Grand Jury).....	478
22.2 Ronald Ziegler press briefing, March 30, 1973, White House edited transcripts, Appendix 12.....	479
22.3 Ronald Ziegler testimony, Watergate Grand Jury, February 12, 1974, 71-72 (received from Watergate Grand Jury).....	480

23. On March 30, 1973 John Dean, after consultation with his attorney, Thomas Hogan, retained Charles Shaffer, an attorney in the criminal law field. That day Dean met with Hogan and Shaffer and discussed the break-in at the DNC headquarters and the events that followed. Haldeman has testified that Dean had indicated earlier that he might retain a private attorney so that Dean -- and, through him, the President -- could consult an attorney familiar with criminal law on the implications of some of Dean's concerns. On the afternoon of April 2, 1973 Dean's lawyers began a series of meetings with the Watergate prosecutors.

	Page
23.1 John Dean testimony, 3 SSC 1009.....	484
23.2 H. R. Haldeman testimony, 7 SSC 2903.....	485

24. On March 30, 1973 newspaper reports stated that Robert Reisner, former Administrative Assistant to Jeb Magruder at CRP, was to be subpoenaed by the staff of the SSC. Magruder has testified that he realized that his story about his 1972 meetings with Mitchell, Dean and Liddy would not hold up. Magruder realized, among other things, that the SSC had begun an investigation and Reisner, who knew about the meetings and who had previously been missed by the prosecutors, would be gotten to. On March 31, 1973 Magruder, who previously had been represented by the attorneys for CRP, retained James Bierbower as his personal attorney.

	Page
24.1 <u>Washington Post</u> , March 30, 1973, A1, A6.....	488
24.2 Robert Reisner testimony, 2 SSC 489, 508-10.....	490
24.3 Jeb Magruder testimony, 2 SSC 805-06, 808.....	494

25. On April 2, 1973 Ronald Ziegler issued a public statement criticizing the Senate Select Committee as being plagued by irresponsible leaks of tidal wave proportions. Ziegler stated that the White House intended to cooperate with the Committee but called on Senator Ervin to get his own disorganized house in order so that the investigation could go forward in a proper atmosphere of traditional fairness and due process.

Page

25.1 Washington Post, April 3, 1973, A1, A4..... 498

26. On April 4, 1973 Dean told Haldeman that his lawyers had met privately with the prosecutors.

Page

26.1 H. R. Haldeman testimony, 7 SSC 2903..... 502

27. On April 5, 1973 L. Patrick Gray called the President and requested that his nomination as permanent Director of the FBI be withdrawn. According to Gray, the President told him that this was a bitter thing to have happened to Gray and there would be a place for Gray in the Nixon administration. The President informed Gray that he wanted him to serve as Acting FBI Director until a successor was confirmed. In a public statement issued by the President on April 5, 1973 announcing the withdrawal of Gray's name, the President praised Gray and stated that his compliance with Dean's completely proper and necessary request for FBI reports exposed Gray to totally unfair innuendo and suspicion.

	Page
27.1 L. Patrick Gray testimony, 9 SSC 3545-46.....	504
27.2 President Nixon statement, April 5, 1973, 9 Presidential Documents 335.....	506

28. On April 5, 1973 John Ehrlichman met in San Clemente, California with Paul O'Brien. According to Ehrlichman, O'Brien had asked to meet with H. R. Haldeman to transmit some information to the President. According to Ehrlichman's testimony and notes, O'Brien told him that he had obtained information from Jeb Magruder and others concerning, among other things, Magruder's and Mitchell's involvement in meetings in which the Liddy Plan for electronic surveillance with a budget of \$100,000 to \$250,000 was outlined; Magruder's testimony concerning the number of meetings among John Mitchell, Gordon Liddy, John Dean and Magruder; Magruder's claim that Charles Colson called him urging that the program go forward; Magruder's claim that Gordon Strachan came to him and said the President wants this project to go on; payments that had been made to the defendants and their attorneys; and possible offers or commitments regarding executive clemency to Liddy, Howard Hunt and James McCord. O'Brien told Ehrlichman that neither Magruder nor Mitchell were inevitably hung and that Dean was the key problem. Ehrlichman's notes also state "must close ranks," "JNM will tough it out," "H must bring Jeb up short" and, written below "Jeb," "shut up" and "stop seeing people." After this meeting Ehrlichman met with the President. Ehrlichman has testified that he reported to the President after he had talked to O'Brien.

	Page
28.1 John Ehrlichman log, April 5, 1973 (received from SSC).....	509
28.2 John Ehrlichman testimony, 7 SSC 2729-36, 2751.....	510
28.3 John Ehrlichman notes of April 5, 1973 meeting with Paul O'Brien, SSC Exhibit No. 98, 7 SSC 2922-31.....	519
28.4 Meetings and conversations between the President and John Ehrlichman, April 5, 1973 (received from White House) ,.....	529

29. On April 6, 1973 Ehrlichman met with Kalmbach in the Bank of America parking lot in San Clemente, California. Ehrlichman's notes dictated after the meeting reflect a discussion of Kalmbach's activities in raising and disbursing money for the Watergate defendants. Kalmbach told Ehrlichman that he had retained the services of an attorney, Paul O'Connor.

	Page
29.1 John Ehrlichman log, April 6, 1973 (received from SSC).....	532
29.2 John Ehrlichman testimony, 7 SSC 2752, 2768, 2773...	533
29.3 John Ehrlichman notes of April 6, 1973 meeting with Herbert Kalmbach, SSC Exhibit No. 100, 7 SSC 2947.....	536

30. On April 8, 1973 Dean started to meet with the prosecutors. While meeting with the prosecutors, Dean received a call from Air Force One from Haldeman's assistant Lawrence Higby, who asked Dean to be in Ehrlichman's office that afternoon for a meeting. Ehrlichman and Haldeman met with Dean from 5:00 until 7:00 p.m. There was a discussion of the possibility of a grand jury appearance by Dean. Ehrlichman has testified that they discussed, among other things, what this "hang up" was between Mitchell and Dean and Dean's feeling that Mitchell did not want Dean to talk to the prosecutors or appear before the grand jury. Ehrlichman has also testified that the President decided on the flight that he wanted Dean to go to the grand jury, and that Ehrlichman and Haldeman conveyed that to Dean at the meeting.

	Page
30.1 John Dean testimony, 3 SSC 1010-11.....	538
30.2 John Ehrlichman log, April 8, 1973 (received from SSC).....	540
30.3 John Ehrlichman testimony, 7 SSC 2753-54.....	541

31. On April 8, 1973, from 7:33 to 7:37 p.m., the President and John Ehrlichman spoke by telephone. The President has produced an edited transcript of that conversation. A summary has been prepared of that transcript.

	Page
31.1 Meetings and conversations between the President and John Ehrlichman, April 8, 1973 (received from White House).....	544
31.2 House Judiciary Committee staff summary of White House edited transcript of conversation between the President and John Ehrlichman, April 8, 1973, 7:33 - 7:37 p.m.....	545

32. On April 11, 1973 Attorney General Kleindienst had a conversation with Assistant Attorney General Petersen. Kleindienst told Petersen that Ehrlichman had just called to tell Kleindienst that he did not feel that any White House aides should be granted immunity.

	Page
32.1 Henry Petersen testimony, 9 SSC 3629.....	548

33. On or about April 12, 1973 Ehrlichman met with Haldeman's assistant Gordon Strachan. Ehrlichman has testified that Strachan said that he had just returned from the grand jury and that upon leaving the grand jury room he had realized that the testimony he had given was mistaken with respect to the amount of money he had delivered to Fred LaRue. Ehrlichman has testified that he advised Strachan to get an attorney and, subject to the attorney's advice, to tell the prosecutor that he had made a mistake in his testimony.

	Page
33.1 John Ehrlichman log, April 12, 1973 (received from SSC).....	550
33.2 John Ehrlichman testimony, 7 SSC 2767.....	551

34. On April 12, 1973 the President telephoned Charles Colson at 7:31 p.m. and asked Colson to prepare a specific set of recommendations with respect to the Watergate matter. The following day Colson met with Ehrlichman twice. At the second meeting Colson was accompanied by his lawyer. Ehrlichman has testified that at the second meeting Colson said that he understood that Howard Hunt would testify before the grand jury that the second break-in at the Watergate was opposed by Hunt but that Liddy said to Hunt that they couldn't call it off because they were doing it on Mitchell's order; that Hunt would testify about the transmittal of funds to the Watergate defendants; and that McCord was making allegations about a trip to Las Vegas by Hunt, McCord and possibly Liddy to break into the safe of Hank Greenspun in a project masterminded by Colson. Colson has stated that he recommended to Ehrlichman, among other things, that the President take steps to expose those involved in the planning, approving or authorizing of the Watergate break-in.

	Page
34.1 President Nixon daily diary, April 12, 1973, Exhibit 17, <u>In re Grand Jury</u> , Misc. 47-73.....	589
34.2 Charles Colson draft statement prepared for delivery to SSC, September 1973, 1, 46-48.....	591
34.3 John Ehrlichman log, April 13, 1973 (received from SSC).....	595
34.4 John Ehrlichman deposition, <u>Democratic National Committee v. McCord</u> , May 22, 1973, 126-27.....	596
34.5 John Ehrlichman testimony, 7 SSC 2729-30, 2800-02....	598

34.6	John Ehrlichman notes of April 13, 1973 meeting with Charles Colson and David Shapiro, SSC Exhibit No. 98, 7 SSC 2933-36.....	603
34.7	John Dean testimony, 3 SSC 1012-13.....	607

35. On April 13, 1973, the day Magruder began meeting with the prosecutors, Lawrence Higby, staff assistant to Haldeman, had two telephone conversations with Magruder which were taped without Magruder's knowledge. Higby asked Magruder whether his testimony was going to be damaging to Strachan and Haldeman. Magruder said it would damage Strachan but he had not talked to Haldeman about the Watergate until long after. Higby told Magruder that it wasn't in his long or short term interest to blame the White House. On April 14, 1973 Ehrlichman and Haldeman reported these conversations to the President. Ehrlichman told the President that Higby had handled Magruder so well that Magruder had closed all his doors now with this tape; that the tape would beat the socks off Magruder if he ever got off the reservation.

	Page
35.1 Jeb Magruder testimony, 2 SSC 808, 851.....	610
35.2 Tape recording of telephone conversation between Jeb Magruder and Lawrence Higby, April 13, 1973 (received from SSC), and House Judiciary Committee transcript thereof, 9-10, 12-13, 14-16, 21.....	612
35.3 White House edited transcript of meeting among the President, H. R. Haldeman and John Ehrlichman, April 14, 1973, 8:55-11:31 a.m., 1, 7-9.....	656

36. On April 14, 1973 the President met with Ehrlichman from 8:55 to 11:31 a.m. and with Haldeman from 9:00 to 11:30 a.m. At this meeting the President instructed Ehrlichman to meet with Mitchell. The President was advised that the grand jury was focusing on the Watergate aftermath. There was a discussion of payments to the Watergate defendants and of the transfer of \$350,000 from Strachan to LaRue to be used for payments to the defendants.

In response to the Judiciary Committee's subpoena for the tape recording and other evidence of this conversation, the President has produced an edited transcript of that recording. A summary of that transcript has been prepared.

	Page
36.1 President Nixon daily diary, April 14, 1973, Exhibit 19, <u>In re Grand Jury</u> , Misc. 47-73	662
36.2 House Judiciary Committee staff summary of White House edited transcript of a meeting among the President, H. R. Haldeman and John Ehrlichman, April 14, 1973, 8:55 - 11:31 a.m.....	665

37. On the afternoon of April 14, 1973 Dean, Haldeman and Ehrlichman met in Ehrlichman's office. Dean has testified that there was a discussion of whether Haldeman, Ehrlichman, Dean, Mitchell, Colson and others would be indicted.

	Page
37.1 John Ehrlichman log, April 14, 1973 (received from SSC).....	698
37.2 John Dean testimony, 3 SSC 1013-14.....	699
37.3 John Dean list of names, SSC Exhibit No. 34-37, 3 SSC 1312.....	701
37.4 John Dean testimony, SSC Executive Session, June 16, 1973, 146.....	702
37.5 Richard Moore testimony, 5 SSC 1960, 1988-90.....	703

38. On April 14, 1973, at 1:30 p.m., Haldeman had a telephone conversation with Magruder and taped the conversation. Magruder told Haldeman that he had committed perjury many times; that he had now decided to follow his lawyer's advice and make a full disclosure to the grand jury; that his testimony would put Gordon in a spot; and that he intended to plead guilty.

	Page
38.1 H. R. Haldeman log, April 14, 1973 (received from SSC).....	708
38.2 Recording of a telephone conversation between H. R. Haldeman and Jeb Magruder, April 14, 1973, and House Judiciary Committee transcript thereof.....	709

39. On April 14, 1973, at the President's request, Ehrlichman met with Mitchell from 1:40 to 2:10 p.m. Ehrlichman told Mitchell that the President had instructed him to talk to Mitchell and say not to hold back on account of the Presidency. Mitchell said that he was going to stay where he was because he was too far out. Mitchell said that he got euchred into it by not paying attention and that the whole genesis of this thing was at the White House. Mitchell told Ehrlichman that Dean had been caught in the middle like so many others who were trying to keep the lid on until after the election and trying to keep the lid on all the other things that had gone on at the White House. Magruder's pending disclosures to the prosecutors were also discussed. Mitchell told Ehrlichman that some of the White House fund had been used to make payments to the defendants, with Haldeman's approval, prior to the return of the money to Fred LaRue.

	Page
39.1 John Ehrlichman log, April 14, 1973 (received from SSC).....	718
39.2 John Ehrlichman deposition, <u>Democratic National Committee v. McCord</u> , May 22, 1973, 171-73.....	719
39.3 John Mitchell testimony, 4 SSC 1651-52.....	722
39.4 John Ehrlichman testimony, 7 SSC 2756.....	724
39.5 Tape recording of a conversation between John Ehrlichman and John Mitchell, April 14, 1973, and House Judiciary Committee transcript thereof, 1-3, 5, 16, 40-43.....	725

40. On April 14, 1973 the President met with Haldeman from 1:55 to 2:13 p.m. Haldeman reported to the President on his telephone conversation with Magruder. These was a discussion of what Haldeman and Strachan would say if Magruder testified that he had sent Gemstone materials to Strachan.

In response to the Committee' subpoena for the tape recording and other evidence of this conversation, the President has produced an edited transcript of that recording. A summary of that transcript has been prepared.

	Page
40.1 President Nixon daily diary, April 14, 1973, Exhibit 19, <u>In re Grand Jury</u> , Misc. 47-73.....	770
40.2 House Judiciary Committee staff summary of White House edited transcript of a meeting between the President and H. R. Haldeman, April 14, 1973, 1:55 - 2:13 p.m.....	773

41. On April 14, 1973 the President met with Haldeman and Ehrlichman from 2:24 to 3:55 p.m. At this meeting Ehrlichman reported on his meeting with Mitchell. There was a discussion of the motive for the payments to the defendants and the transfer of the \$350,000 from the White House to the Committee for the Re-election of the President. The President instructed Ehrlichman to meet with Magruder. There was a discussion whether it would reduce the likelihood of Department of Justice follow-up if Ehrlichman gave a report to Kleindienst rather than Silbert.

In response to the Committee's subpoena for the tape recording and other evidence of this conversation, the President has produced an edited transcript of that recording. A summary of that transcript has been prepared.

	Page
41.1 President Nixon daily diary, April 14, 1973, Exhibit 19, <u>In re Grand Jury</u> , Misc. 47-73.....	778
41.2 House Judiciary Committee staff summary of White House edited transcript of a meeting among the President, H.R. Haldeman and John Ehrlichman, April 14, 1973, 2:24-3:55 p.m.....	781

42. On April 14, 1973 John Ehrlichman met with Jeb Magruder and his attorneys. Ehrlichman informed Magruder and his attorneys that he was conducting an investigation for the President. Magruder and his attorneys discussed with Ehrlichman the information which Magruder had disclosed to the prosecutors earlier that day to the effect that at a meeting in Key Biscayne Mitchell, LaRue and Magruder had participated in an express and specific approval of the plan to break into and bug the DNC headquarters and to bug McGovern headquarters and the Fontainebleau headquarters of the Democratic Convention.

	Page
42.1 Jeb Magruder testimony, 2 SSC 808.....	800
42.2 John Ehrlichman testimony, 7 SSC 2765-66.....	801
42.3 John Ehrlichman notes of a meeting with Jeb Magruder, April 14, 1973, SSC Exhibit No. 98, 7 SSC 2937-43.....	803 803

43. On April 14, 1973 the President met with Haldeman and Ehrlichman from 5:15 to 6:45 p.m. Ehrlichman reported to the President on his meeting with Magruder and his attorneys. The President instructed Haldeman to give Strachan a report of Magruder's testimony. There was a discussion of the motive for the payments to the defendants.

In response to the Committee's subpoena for the tape recording and other evidence of this conversation, the President has produced an edited transcript of that recording. A summary of that transcript has been prepared.

	Page
43.1 John Ehrlichman testimony, 7 SSC 2757-58.....	812
43.2 President Nixon daily diary, April 14, 1973, Exhibit 19, <u>In re Grand Jury</u> , Misc. 47-73.....	814
43.3 House Judiciary Committee staff summary of White White House edited transcript of a meeting among the President, H. R. Haldeman and John Ehrlichman, April 14, 1973, 5:15-6:45 p.m.....	817

44. On April 14, 1973, at approximately 6:00 p.m. and during the meeting specified in the preceding paragraph, Ehrlichman telephoned Kleindienst. Ehrlichman told Kleindienst that he had been conducting an investigation for the President. There was a discussion of what Ehrlichman should do with the information he had uncovered. Kleindienst has testified that Ehrlichman told him that the testimony that Magruder had given to the U. S. Attorneys would implicate people high and low in the White House and in the campaign committee. The President has produced an edited transcript of this conversation. According to this transcript Ehrlichman stated that the information provided by Magruder implicated people up and down in the Committee to Re-elect; and, when Kleindienst asked who Magruder implicated besides himself and Mitchell, Ehrlichman answered Dean, LaRue, Mardian and Porter.

	Page
44.1 John Ehrlichman testimony, 7 SSC 2757-58.....	830
44.2 Richard Kleindienst testimony, 9 SSC 3577-78.....	832
44.3 John Ehrlichman testimony, Watergate Grand Jury, September 13, 1973, 138-40 (received from Watergate Grand Jury).....	834
44.4 Richard Kleindienst testimony, Watergate Grand Jury, August 9, 1973, 67-69 (received from Watergate Grand Jury).....	837
44.5 House Judiciary Committee staff summary of White house edited transcript of a telephone conversation between John Ehrlichman and Richard Kleindienst, April 14, 1973, at approximately 6:00 p.m.....	840

45. On April 14, 1973 the President had a telephone conversation with Haldeman from 11:02 to 11:16 p.m. There was a discussion of what would be said to Strachan about the information Magruder was giving to the prosecutors. There was also a discussion about the motive for making payments to the defendants.

In response to the Committee's subpoena for the tape recording and other evidence of this conversation, the President has produced an edited transcript of that recording. A summary of that transcript has been prepared.

	Page
45.1 President Nixon daily diary, April 14, 1973, Exhibit 19, <u>In re Grand Jury</u> , Misc. 47-73.....	844
45.2 House Judiciary Committee staff summary of White House edited transcript of a telephone conversation between the President and H. R. Haldeman, April 14, 1973, 11:02-11:16 p.m.....	847

46. On April 14, 1973, from 11:22 to 11:53 p.m., the President had a telephone conversation with John Ehrlichman. There was a discussion of what Ehrlichman would say to Colson and Strachan about his conversation with Magruder, and what Ehrlichman would say to Dean about a plan to deal with obstruction of justice allegations. There was also a discussion of whether Haldeman should be dismissed.

In response to the Committee's subpoena for the tape recording and other evidence of this conversation, the President has produced an edited transcript of that recording. A summary of that transcript has been prepared.

	Page
46.1 President Nixon daily diary, April 14, 1973, Exhibit 19, <u>In re Grand Jury</u> , Misc. 47-73.....	852
46.2 House Judiciary Committee staff summary of White House edited transcript of a telephone conversation between the President and John Erlichman, April 14, 1973, 11:22-11:53 p.m.....	855

47. During the evening of April 14, 1973 Petersen was briefed by the prosecutors on the information furnished by Dean and Magruder. Petersen telephoned Kleindienst and arranged to report to him immediately. On April 15, 1973 Kleindienst met at his home with Petersen, United States Attorney Titus, and chief prosecutor Silbert from approximately 1:00 a.m. to 5:00 a.m. Kleindienst was briefed on evidence implicating high White House and CRP officials in the Watergate break-in and the obstruction of the government's investigation. Kleindienst decided to arrange a meeting with the President that morning.

	Page
47.1 Henry Petersen testimony, 9 SSC 3627-28.....	864
47.2 Richard Kleindienst testimony, 9 SSC 3572-73, 3578-79, 3585-86.....	866

48. On April 15, 1973 at 8:41 a.m. Kleindienst attempted to reach the President by telephone to request an immediate meeting. The President returned Kleindienst's call at 10:13 a.m. and agreed to meet Kleindienst that afternoon.

	Page
48.1 President Nixon daily diary, April 15, 1973, Exhibit 20, <u>In re Grand Jury</u> , Misc. 47-73.....	874
48.2 Richard Kleindienst testimony, 9 SSC 3572-73, 3602.....	877

49. On April 15, 1973 John Ehrlichman met with Gordon Strachan from approximately 10:00 a.m. to 10:35 a.m. and 11:15 a.m. to noon. They discussed Strachan's recollection of his contacts with Magruder and Haldeman relating to Watergate. Ehrlichman has testified that he confronted Strachan with Magruder's allegation about sending Strachan a budget which included specific reference to bugging, and that Strachan said that he was sure he had never seen anything like that. Ehrlichman's notes of his meeting with Strachan reflect a reference to a memorandum from Strachan to Haldeman stating a sophisticated intelligence operation is going with a 300 budget.

	Page
49.1 John Ehrlichman deposition, <u>Democratic National Committee v. McCord</u> , May 22, 1973, 46-54.....	882
49.2 John Ehrlichman notes of a meeting with Gordon Strachan, April 15, 1973, SSC Exhibit No. 98, 7 SSC 2918-21.....	891
49.3 John Ehrlichman testimony, 7 SSC 2767-69.....	895
49.4 President Nixon daily diary, April 15, 1973, Exhibit 20, <u>In re Grand Jury</u> , Misc. 47-	898
49.5 Memorandum from Tom Hart to Jack Nesbitt, July 24, 1973, Exhibit 29, <u>In re Grand Jury</u> , Misc. 47-73.....	901

50. On April 15, 1973 the President met with John Ehrlichman from 10:35 to 11:15 a.m. Ehrlichman reported that he was meeting with Strachan. There was a discussion of the motive for payments to the defendants and of what Dean's defense might be to obstruction of justice charges.

In response to the Committee's subpoena for the tape recording and other evidence of that conversation, the President has produced an edited transcript of the recording. A summary of that transcript has been prepared.

	Page
50.1 President Nixon daily diary, April 15, 1973, Exhibit 20, <u>In re Grand Jury</u> , Misc. 47-73.....	906
50.2 Memorandum from Tom Hart to Jack Nesbitt, July 24, 1973, Exhibit 29, <u>In re Grand Jury</u> , Misc. 47-73.....	909
50.3 House Judiciary Committee staff summary of White House edited transcript of a meeting between the President and John Ehrlichman from 10:35 to 11:15 a.m., April 15, 1973.....	912

51. On April 15, 1973 the President met with Attorney General Kleindienst from 1:12 to 2:22 p.m. in the President's EOB office. Kleindienst reported to the President on the evidence against Mitchell, Dean, Haldeman, Ehrlichman, Magruder, Colson and the others. Kleindienst has testified that the President appeared dumbfounded and upset when Kleindienst told him about the Watergate involvement of Administration officials, and that the President did not state that he had previously been given this information by John Dean. The President asked about the evidence against Haldeman and Ehrlichman and made notes on Kleindienst's response. There was a discussion of the payments to the defendants and what motive had to be proved to establish criminal liability. There was discussion of the transfer of \$350,000 from the White House to LaRue. The President made a note: "What will LaRue say he got the 350 for?"

The Committee has subpoenaed the tape recording and other evidence of this conversation. The President has stated that the tape on the recorder for his EOB office ran out during his afternoon meeting with Kleindienst. The President has produced an edited transcript of a recording of a portion of the conversation. A summary of that transcript has been prepared.

51.1	Richard Kleindienst testimony, 9 SSC 3573, 3579-80, 3592.....	925
51.2	President Nixon notes, April 15, 1973, 3 (received from Watergate Grand Jury).....	929
51.3	President Nixon daily diary, April 15, 1973, Exhibit 20, <u>In re Grand Jury</u> , Misc. 47-73.....	930
51.4	Memorandum form Tom Hart to Jack Nesbitt, July 24, 1973, Exhibit 29, <u>In re Grand Jury</u> , Misc. 47-73...	933
51.5	President Nixon statement, November 12, 1973, 9 Presidential Documents 1329-30.....	936
51.6	House Judiciary Committee staff summary of White House edited transcript of a meeting between the President and Richard Kleindienst, April 15, 1973, 1:12 - 2:22 p.m.....	938

52. On April 15, 1973 from 2:24 to 3:30 p.m. the President met with Ehrlichman in the President's EOB office. From 3:27 to 3:44 p.m. the President spoke to Haldeman by telephone and discussed conflicts between the recollections of Magruder and Strachan concerning conversations about Watergate. At 3:48 p.m. the President returned a telephone call from Kleindienst and agreed to have Petersen join their upcoming meeting.

In response to the Committee's subpoena for the tape recording and other evidence of the President's meeting with Ehrlichman, his telephone conversation with Haldeman, and his telephone conversation with Kleindienst, the President has produced edited transcripts of the recordings of the Haldeman and Kleindienst telephone calls. Summaries of those transcripts have been prepared. The President has stated that the tape on the recorder for his EOB office had run out during his afternoon meeting of April 15, 1973 with Kleindienst and that no further conversations in that office were recorded.

	Page
52.1 President Nixon daily diary, April 15, 1973, Exhibit 20, <u>In re Grand Jury</u> , Misc. 47-73.....	962
52.2 Memorandum from Tom Hart to Jack Nesbitt, July 24, 1973, Exhibit 29, <u>In re Grand Jury</u> , Misc. 47-73.....	965
52.3 House Judiciary Committee staff summary of White House edited transcript of a telephone conversation between the President and H.R. Haldeman, April 15, 1973, 3:27 - 3:44 p.m.....	968
52.4 House Judiciary Committee staff summary of White House edited transcript of a telephone conversation between the President and Richard Kleindienst, April 15, 1973, 3:48 - 3:49 p.m.....	972

53. On April 15, 1973 Petersen and Kleindienst met with the President from 4:00 to 5:15 p.m. in the President's EOB office. Petersen has testified that he reported on the information that the prosecutors had received from Dean and Magruder and that his report included the following: that Mitchell had approved the \$300,000 budget for the Liddy "gemstone" operation; that budget information for "gemstone" and summaries of intercepted conversations were given to Strachan and that information given to Strachan was for delivery to Haldeman; that if the prosecutors could develop Strachan as a witness, "school was going to be out as far as Haldeman was concerned"; that Ehrlichman through Dean informed Liddy that Hunt should leave the country; and that Ehrlichman had told Dean to "deep six" certain information recovered by Dean from Hunt's office. Petersen has also testified that he recommended that Haldeman and Ehrlichman be dismissed, but Dean be retained while cooperating with the prosecutors. Petersen has testified that the President: exhibited a lack of shock and emotion; spoke well of Haldeman and Ehrlichman; suggested that Dean and Magruder were trying to exculpate themselves; suggested a cautionary approach to the granting of immunity; stated that he had first learned that there were more significant problems than he had anticipated on March 21, 1973, although he did not tell Petersen what Dean had told him on that date; stated that he had told Dean to write a report but that Dean had been unable to write a report; stated that he told Ehrlichman to conduct an investigation after Dean failed to deliver his report; stated that Haldeman and Ehrlichman had denied the charges against them; and requested

that Petersen reduce to writing what he had said to the President about Haldeman and Ehrlichman.

The Committee has subpoenaed the tape recording and other evidence regarding this conversation. The President has stated that the tape on the recorder for his EOB office ran out during his afternoon meeting with Kleindienst.

	Page
53.1 President Nixon daily diary, April 15, 1973, Exhibit 20, <u>In re Grand Jury</u> , Misc. 47-73.....	975
53.2 Henry Petersen testimony, Watergate Grand Jury, February 5, 1974, 2-12 (received from Watergate Grand Jury).....	978
53.3 Henry Petersen testimony, 9 SSC 3627-29, 3632-35...	989
53.4 Henry Petersen testimony, <u>In re Grand Jury</u> , Misc. 47-73, November 12, 1973, 1192-94.....	996
53.5 Richard Kleindienst testimony, 9 SSC 3573, 3592....	999
53.6 Henry Petersen notes, SSC Exhibit No. 147, 9 SSC 3875-76.....	1001
53.7 H. R. Haldeman testimony, 7 SSC 2903-04.....	1003
53.8 President Nixon notes, April 15, 1973, 4 (received from Watergate Grand Jury).....	1005
53.9 Henry Petersen testimony, Watergate Grand Jury, August 23, 1973, 68-72 (received from Watergate Grand Jury).....	1006
53.10 President Nixon remarks, April 17, 1973, 9 Presidential Documents 387.....	1011

54. On April 15, 1973 the Watergate prosecutors interviewed John Dean. The prosecutors were informed that Gordon Liddy and E. Howard Hunt had participated in the break-in at the office of Daniel Ellsberg's psychiatrist. Dean stated that not all the material from Hunt's safe had been turned over to FBI agents after the Watergate break-in, but that certain materials from the safe were personally handed by Dean to Gray.

	Page
54.1 Henry Petersen testimony, 9 SSC 3624-25.....	1014
54.2 Memorandum from Earl Silbert to Henry Petersen, April 16, 1973, Exhibit 27, <u>United States v.</u> <u>Russo</u>	1016
54.3 John Dean testimony, 3 SSC 1014.....	1017
54.4 Henry Petersen testimony, Watergate Grand Jury, February 5, 1974, 24-25 (received from Watergate Grand Jury).....	1018

55. On April 15, 1973 at approximately 7:30 p.m., Ehrlichman requested a meeting with Dean. Dean's attorney discussed this request with Petersen who advised against such a meeting. Dean arranged to have the President told that Dean was acting out of loyalty to the President and that Dean felt the meeting requested by Ehrlichman was inappropriate at this time. The President telephoned Petersen and spoke with him from 8:14 to 8:18 p.m. and from 8:25 to 8:26 p.m. Petersen told the President about Ehrlichman's request to meet with Dean. The President asked if Petersen would have any objection to the President's meeting with Dean. Petersen said he had no objection. The President arranged to meet with Dean that evening.

In response to the Committee's subpoena for the tape recording and other evidence of the President's telephone conversations with Petersen, the President has produced edited transcripts of the recordings. A summary of these transcripts has been prepared.

	Page
55.1 John Dean testimony, 3 SSC 1014-15.....	1023
55.2 John Dean testimony, Watergate Grand Jury, February 14, 1974, 20-22 (received from Watergate Grand Jury).....	1025
55.3 Henry Petersen testimony, 9 SSC 3635, 3648.....	1028
55.4 Message from John Dean to the President, received by Lawrence Higby, April 15, 1973, 8:15 p.m., SSC Exhibit No. 34-48, 3 SSC 1313.....	1030
55.5 House Judiciary Committee staff summary of White House edited transcript of a telephone conversation between H.R. Haldeman and Lawrence Higby, April 15, 1973.....	1031
55.6 House Judiciary Committee staff summary of White House edited transcript of a telephone conversation between the President and Henry Petersen, April 15, 1973, 8:14 - 8:18 p.m.....	1032
55.7 House Judiciary Committee staff summary of White House edited transcript of a telephone conversation between the President and Henry Petersen, April 15, 1973, 8:25 - 8:26 p.m.....	1034
55.8 President Nixon daily diary, April 15, 1973, Exhibit 20, <u>In re Grand Jury</u> , Misc. 47-73.....	1035

56. On April 15, 1973 from 9:17 to 10:12 p.m., the President met with John Dean in the President's EOB office. Dean has testified that he reported to the President that he had been to the prosecutors; that the President asked him about Haldeman's knowledge of the Liddy plans; that the President stated he had been joking when he said it would be easy to raise \$1 million to pay for maintaining the silence of the Watergate defendants; and that the President said in a nearly inaudible tone that he had been foolish to discuss Hunt's clemency with Colson. Dean also has testified that he told the President he had not discussed with the prosecutors his conversations with the President and that the President told him that he could not tell the prosecutors about national security matters or about any of the conversations between the President and Dean. Dean has testified that the nature of the President's questions led him to think that the President was taping the conversation. The President's notes of this meeting indicate that the President asked Dean what he had told Kalmbach about the purpose of the money and that Dean said he had briefed Haldeman and Ehrlichman every inch of the way. During this meeting the President telephoned Petersen from 9:39 to 9:41 p.m. and instructed Petersen to contact Liddy's attorney and tell him that the President wanted Liddy to tell everything he knows.

The President has stated that the tape on the recorder for his EOB office ran out on the afternoon of April 15, 1973. In response to the Committee's subpoena for the tape recording and other evidence of his

telephone conversation with Petersen, the President has produced an edited transcript of that recording. A summary of that transcript has been prepared.

	Page
56.1 John Dean testimony, Watergate Grand Jury, February 14, 1974, 22-24 (received from Watergate Grand Jury).....	1041
56.2 John Dean testimony, 3 SSC 1015-17.....	1044
56.3 President Nixon notes, April 15, 1973, 1-2 (received from Watergate Grand Jury).....	1047
56.4 President Nixon daily diary, April 15, 1973, Exhibit 20, <u>In re Grand Jury</u> , Misc. 47-73.....	1049
56.5 Memorandum of substance of Dean's calls and meetings with the President, April 15, 1973, with accompanying Fred Thompson affidavit, SSC Exhi- bit No. 70A, 4 SSC 1794-95.....	1052
56.6 House Judiciary Committee staff summary of White House edited transcript of a telephone conversation between the President and Henry Petersen, April 15, 1973, 9:39 - 9:41 p.m.....	1055
56.7 Henry Petersen testimony, 9 SSC 3648.....	1056
56.8 President Nixon statement, November 12, 1973, 9 Presidential Documents 1329, 1331.....	1057

57. On April 15, 1973 from 10:16 to 11:15 p.m. the President met with H. R. Haldeman and John Ehrlichman in the President's EOB office. During this meeting Ehrlichman at the President's request telephoned Patrick Gray and discussed the documents taken from Hunt's White House safe and given to Gray by Dean in June 1972. Shortly thereafter Ehrlichman telephoned Gray and had a second conversation regarding the contents of Hunt's safe. Ehrlichman told Gray that Dean had told the prosecutors that he had delivered two of Hunt's files to Gray. Gray told Ehrlichman that he had destroyed the documents.

	Page
57.1 President Nixon daily diary, April 15, 1973, Exhibit 20, <u>In re Grand Jury</u> , Misc. 47-73.....	1060
57.2 John Ehrlichman testimony, 6 SSC 2615-16.....	1063
57.3 John Ehrlichman testimony, 7 SSC 2675-76, 2678-79.....	1065
57.4 John Ehrlichman testimony, Watergate Grand Jury, May 3, 1973, 177-79 (received from Watergate Grand Jury).....	1069
57.5 L. Patrick Gray testimony, Watergate Grand Jury, July 20, 1973, 113-18 (received from Watergate Grand Jury).....	1072
57.6 L. Patrick Gray testimony, 9 SSC 3470.....	1077
57.7 H. R. Haldeman deposition, <u>Democratic National Committee v. McCord</u> , May 22, 1973, 254-55.....	1078

58. On April 15, 1973, from 11:45 to 11:53 p.m., the President had a telephone conversation with Henry Petersen. The President told Petersen that he had met with Dean. There was also a discussion of whether the President should ask Dean, Haldeman and Ehrlichman to resign. Petersen has testified that the President told him that Dean had given the President basically the same information which Dean had previously given to the prosecutors.

In response to the Committee's subpoena for the tape recording and other evidence of that conversation, the President has produced an edited transcript of the recording. A summary of that transcript has been prepared.

	Page
58.1 Henry Petersen testimony, 9 SSC 3648.....	1124
58.2 President Nixon daily diary, April 15, 1973, Exhibit 20, <u>In re Grand Jury</u> , Misc. 47-73.....	1125
58.3 House Judiciary Committee staff summary of White House edited transcript of a telephone conversation between the President and Henry Petersen, April 15, 1973, 11:45 - 11:53 p.m.,.....	1128

59. On April 16, 1973 from 8:18 to 8:22 a.m. the President had a telephone conversation with John Ehrlichman. Ehrlichman has testified that the President stated he was going to ask Dean to resign or take a leave of absence because Dean apparently continued to have access to White House files and because the President and Dean then had basically an adversary relationship. From 9:50 to 9:59 a.m. the President met with Haldeman and Ehrlichman. There was a discussion of what the President would say to Dean and of what statement might be released to the press.

In response to the Committee's subpoena for the tape recording and other evidence of the conversation between the President, Haldeman and Ehrlichman, the President has produced an edited transcript of the recording. A summary of that transcript has been prepared.

	Page
59.1 John Ehrlichman testimony, 7 SSC 2807-08.....	1132
59.2 President Nixon daily diary, April 16, 1973, Exhibit 21, <u>In re Grand Jury</u> , Misc. 47-73.....	1134
59.3 House Judiciary Committee staff summary of White House edited transcript of a meeting among the President, H.R. Haldeman and John Ehrlichman, April 16, 1973, 9:50 - 9:59 a.m.....	1137

60. On April 16, 1973 the President met with John Dean from 10:00 to 10:40 a.m. The following is an index to certain of the subjects discussed in the course of that meeting:

TRANSCRIPT PAGE

President's request that Dean submit a letter of resignation or a request for a leave of absence, and discussion of other resignations.	1, 8, 11, 12, 51-53
March 21, 1973 conversation among the President, Dean and Haldeman, and what Dean should say about that conversation.	17-21; 24-27
Whether the President would waive executive privilege.	22, 28
How events after the break-in and after March 21 would be described.	22-28; 42-43
What induced Magruder to talk and the President's desire to take credit for Magruder's cooperation.	31-34
President's statements to Dean that Dean should tell the truth.	34-35; 44
Executive clemency.	35-36; 46-48
President's statement that Dean was still his counsel.	38
What should be done about legal problems of White House aides.	38-42; 45-51

60.1	President Nixon daily diary, April 16, 1973, Exhibit 21, <u>In re Grand Jury</u> , Misc. 47-73.....	1143
60.2	Drafts of two letters to the President dated April 16, 1973, SSC Exhibit No. 34-49, 3 SSC 1314-15.....	1146
60.3	Tape recording of a conversation between the President and John Dean, April 16, 1973, 10:00 - 10:40 a.m., and House Judiciary Committee transcript thereof.....	1148

61. On April 16, 1973 from 10:50 to 11:04 a.m. the President, H. R. Haldeman and John Ehrlichman met. The President reported on his meeting with Dean. There was a discussion of a "scenario" of events after the President became aware that there were some discrepancies between what he had been told by Dean in the report that there was nobody in the White House involved.

In response to the Committee's subpoena for the tape recording and other evidence of that conversation, the President has produced an edited transcript of that recording. A summary of that transcript has been prepared.

	Page
61.1 President Nixon daily diary, April 16, 1973, Exhibit 21, <u>In re Grand Jury</u> , Misc. 47-73.....	1204
61.2 House Judiciary Committee staff summary of White House edited transcript of a meeting among the President, H.R. Haldeman and John Ehrlichman, April 16, 1973, 10:50 - 11:04 a.m.....	1207

62. On April 16, 1973 from 12:00 to 12:31 p.m. the President met with H. R. Haldeman. There was a discussion of what Haldeman might state publicly about his involvement in the transfer of cash from the White House to CRP.

In response to the Committee's subpoena for the tape recording and other evidence of that conversation, the President has produced an edited transcript of the recording. A summary of that transcript has been prepared.

	Page
62.1 President Nixon daily diary, April 16, 1973, Exhibit 21, <u>In re Grand Jury</u> , Misc. 47-73.....	1214
62.2 House Judiciary Committee staff summary of White House edited transcript of a meeting between the President and H.R. Haldeman, April 16, 1973, 12:00 - 12:31 p.m.....	1217

63. On April 16, 1973 from 1:39 to 3:25 p.m. the President met with Henry Petersen. Ronald Ziegler was also present from 2:25 to 2:52 p.m. During this meeting Petersen gave the President a report on the investigation and a written memorandum summarizing the prosecutors' evidence as of that time implicating Haldeman and Ehrlichman. There was discussion of whether the President should ask Haldeman and Ehrlichman to resign.

In response to the Committee's subpoena for the tape recording and other evidence of that conversation, the President has produced an edited transcript of the recording. A summary of that transcript has been prepared.

Page

63.1	Henry Petersen testimony, 9 SSC 3634.....	1224
63.2	Memorandum from Henry Petersen to the President, April 16, 1973, SSC Exhibit No. 147, 9 SSC 3875-76..	1225
63.3	Henry Petersen testimony, Watergate Grand Jury, February 5, 1974, 21-22 (received from Watergate Grand Jury).....	1227
63.4	President Nixon daily diary, April 16, 1973, Exhibit 21, <u>In re Grand Jury</u> , Misc. 47-73.....	1229
63.5	House Judiciary Committee staff summary of White House edited transcript of a meeting between the President and Henry Petersen, April 16, 1973, 1:39-3:25 p.m.....	1232

64. On April 16, 1973 from 3:27 to 4:04 p.m. the President met with John Ehrlichman and Ronald Ziegler. There was a discussion of the information furnished by Henry Petersen.

In response to the Committee's subpoena for the tape recording and other evidence of that conversation, the President has produced an edited transcript of the recording. A summary of that transcript has been prepared.

Page

64.1	President Nixon daily diary, April 16, 1973, Exhibit 21, <u>In re Grand Jury</u> , Misc. 47-73.....	1252
64.2	House Judiciary Committee staff summary of White House edited transcript of a meeting among the President, John Ehrlichman and Ronald Ziegler, April 16, 1973, 3:27-4:04 p.m.....	1255

65. On April 16, 1973 from 4:07 to 4:35 p.m. the President met with John Dean. The following is an index to certain of the subjects discussed during that conversation:

TRANSCRIPT PAGE

Presidential statement in regard to Watergate.	1-3, 15, 18, 26
Haldeman, Ehrlichman and Dean's continued presence on the White House staff.	3-7, 24-25
Magruder's negotiations with the U. S. Attorneys.	8, 16-17
President's statement to Dean to tell the truth.	10
Dean's proposed testimony before the grand jury in regard to the issue of Haldeman's prior knowledge of the DNC break-in.	10-15
Possible discovery of Hunt and Liddy's involvement in the Fielding break-in.	20-21
Senate Select Committee and the failure of "containment" during the past nine months.	22-24

65.1	President Nixon daily diary, April 16, 1973, Exhibit 21, <u>In re Grand Jury</u> , Misc. 47-73.....	1267
65.2	Letter from John Dean to the President, April 16, 1973, SSC Exhibit No. 34-50, 3 SSC 1316....	1270
65.3	Tape recording of a conversation between the President and John Dean, April 16, 1973, 4:07 - 4:35 p.m., and House Judiciary Committee transcript thereof.....	1271

66. On April 16, 1973 from 8:58 to 9:14 p.m. the President spoke by telephone with Henry Petersen. Petersen gave the President a report. The President said he would not pass the information on because he knew the rules of the Grand Jury.

In response to the Committee's subpoena for the tape recording and other evidence of that conversation, the President has produced an edited transcript of the recording. A summary of that transcript has been prepared.

Page

66.1	House Judiciary Committee staff summary of White House edited transcript of a telephone conversation between the President and Henry Petersen, April 16, 1973, 8:58 - 9:14 p.m.....	1298
66.2	President Nixon daily diary, April 16, 1973, Exhibit 21, <u>In re Grand Jury</u> , Misc. 47-73.....	1304

67. On April 17, 1973 from 9:47 to 9:59 a.m. the President met with H. R. Haldeman. The President instructed Haldeman to tell Kalmbach that LaRue was talking freely. There was discussion of the problem raised by Dean's efforts to get immunity.

In response to the Committee's subpoena for the tape recording and other evidence of that conversation, the President has produced an edited transcript of the recording. A summary of that transcript has been prepared.

	Page
67.1 House Judiciary Committee staff summary of White House edited transcript of a meeting between the President and H.R. Haldeman, April 17, 1973, 9:47 - 9:59 a.m.....	1308
67.2 President Nixon daily diary, April 17, 1973, Exhibit 48, <u>In re Grand Jury</u> , Misc. 47-73.....	1312

68. On or about April 17, 1973 John Ehrlichman had telephone conversations with Charles Colson, White House aide Ken Clawson, and former CRP campaign director Clark MacGregor. Ehrlichman asked Colson and Clawson about their recollections regarding Dean's allegations that Ehrlichman had told Dean to destroy documents from Hunt's safe and to order Hunt to leave the country. During the course of their conversation, Colson and Ehrlichman discussed nailing Dean by seeing that he not get immunity. Each of these conversations was tape recorded by Ehrlichman.

Page

68.1	Transcript of a telephone conversation between John Ehrlichman and Clark MacGregor, SSC Exhibit No. 107, 7 SSC 3007-08.....	1318
68.2	Tape recording of a telephone conversation between John Ehrlichman and Ken Clawson, April 17, 1973. (received from SSC) and House Judiciary Committee transcript thereof.....	1320
68.3	Tape recording of a telephone conversation between John Ehrlichman and Charles Colson, April 17, 1973 (received from SSC) and House Judiciary Committee transcript thereof.....	1325

69. On April 17, 1973 at 10:26 a.m. Gray met with Petersen in Gray's office. Gray has testified that he admitted to Petersen that he had received files from Dean in Ehrlichman's office and told Petersen that he had burned the files without reading them. Petersen told Gray that the assistant U. S. attorneys would want him before the grand jury. During the afternoon of April 17 Petersen told the President that Gray had admitted destroying documents he received from Dean.

	Page
69.1 L. Patrick Gray log, April 17, 1973 (received from SSC).....	1332
69.2 L. Patrick Gray testimony, 9 SSC 3471.....	1334
69.3 Henry Petersen testimony, 9 SSC 3624-26.....	1335
69.4 Henry Petersen testimony, Watergate Grand Jury, February 5, 1974, 26-27 (received from Watergate Grand Jury).....	1338
69.5 White House edited transcript of a conversation between the President and Henry Petersen from 2:46 to 3:49 p.m., April 17, 1973, 1, 38-40.....	1340

70. On April 17, 1973 from 12:35 to 2:20 p.m. the President met with H. R. Haldeman and John Ehrlichman. Ronald Ziegler joined the meeting from 2:10 to 2:17 p.m. There was a discussion about what to do about Dean and what Dean might say if he were fired; about the motive for making payments to the defendants; about what Strachan would say concerning intelligence material received from Magruder; and about whether Dean had reported to the President in the summer of 1972. There was also discussion of a press plan.

In response to the Committee's subpoena for the tape recording and other evidence of that conversation, the President has produced an edited transcript of the recording. A summary of that transcript has been prepared.

Page

70.1	President Nixon daily diary, April 17, 1973, Exhibit 48, <u>In re Grand Jury</u> , Misc. 47-73.....	1346
70.2	House Judiciary Committee staff summary of White House edited transcript of a meeting among the President, H.R. Haldeman, John Ehrlichman, and Ronald Ziegler, April 17, 1973, 12:35 - 2:20 p.m.....	1350

71. On April 17, 1973 from 2:39 to 2:40 p.m. the President had a telephone conversation with John Ehrlichman. There was a discussion of what the President would say to Petersen about immunity for top White House staff members.

In response to the Committee's subpoena for the tape recording and other evidence of that conversation, the President has produced an edited transcript of the recording. A summary of that transcript has been prepared.

	Page
71.1 President Nixon daily diary, April 17, 1973, Exhibit 48, <u>In re Grand Jury</u> , Misc. 47-73.....	1388
71.2 House Judiciary Committee staff summary of White House edited transcript of a telephone conversation between the President and John Ehrlichman, April 17, 1973, 2:39 - 2:40 p.m.....	1392

72. On April 17, 1973 from 2:46 to 3:49 p.m. the President met with Henry Petersen. There was a discussion about whether Petersen had passed grand jury information to Dean and about whether Dean would be granted immunity. The President read to Petersen a proposed press statement and Petersen stated the difficulties which would be posed by a statement that the President opposed granting immunity to high White House officials. Petersen told the President that Gray had admitted receiving from Ehrlichman and Dean documents unrelated to Watergate taken from Hunt's safe. Petersen said that Gray said he had burned these documents without reading them.

In response to the Committee's subpoena for the tape recording and other evidence of that conversation, the President has produced an edited transcript of the recording. A summary of that transcript has been prepared.

	Page
72.1 President Nixon daily diary, April 17, 1973, Exhibit 48, <u>In re Grand Jury</u> , Misc. 47-73.....	1396
72.2 House Judiciary Committee staff summary of White House edited transcript of a meeting between the President and Henry Petersen, April 17, 1973, 2:46 - 3:49 p.m.....	1400

73. On April 17, 1973 from 3:50 to 4:35 p.m. the President met with H. R. Haldeman, Ronald Ziegler and John Ehrlichman. The President described his conversation with Petersen. There was a discussion of whether Haldeman and Ehrlichman should take leaves of absence. The President went over the text of the statement he was about to give.

In response to the Committee's subpoena for the tape recording and other evidence of that conversation, the President has produced an edited transcript of the recording. A summary of that transcript has been prepared.

	Page
73.1 President Nixon daily diary, April 17, 1973, Exhibit 48, <u>In re Grand Jury</u> , Misc. 47-73.....	1412
73.2 House Judiciary Committee staff summary of White House edited transcript of a meeting among the President, H.R. Haldeman, Ronald Ziegler and John Ehrlichman, April 17, 1973, 3:50 - 4:35 p.m.....	1416

74. On April 17, 1973 from 4:42 to 4:45 p.m. the President issued a public statement containing two announcements. The President first announced that White House personnel would appear before the Senate Select Committee, but would reserve the right to assert executive privilege during the course of questioning. He then reported that on March 21 he had begun intensive new inquiries into the whole Watergate matter and that there had been major developments in the case. The President stated he had expressed to the appropriate authorities his view that there should be no immunity from prosecution for present or former high Administration officials. The President said that those still in government would be suspended if indicted and discharged if convicted.

Page

74.1 President Nixon statement, April 17, 1973,
9 Presidential Documents 387..... 1420

75. On April 17, 1973 the President met in his EOB office with William Rogers from 5:20 to 6:19 p.m. and with H. R. Haldeman and John Ehrlichman from 5:50 to 7:14 p.m. The President briefed Rogers on his investigation and his discussion with Petersen. There was a discussion of whether Haldeman, Ehrlichman and Dean should resign and of Dean's testimony against Haldeman and Ehrlichman. Haldeman and Ehrlichman reported on their conversation with John Wilson, a defense attorney in criminal cases who had been recommended by Rogers. There was a discussion of what Dean had told Kalmbach about the purpose of the money he was asked to raise.

In response to the Committee's subpoena for the tape recording and other evidence of the President's conversations of April 17, 1973 from 5:50 to 7:14 p.m., the President has produced an edited transcript of the recording of his conversations from 5:20 to 7:14 p.m. A summary of that transcript has been prepared.

Page

75.1	President Nixon daily diary, April 17, 1973, Exhibit 48, <u>In re Grand Jury</u> , Misc. 47-73.....	1422
75.2	House Judiciary Committee staff summary of White House edited transcript of a meeting among the President, William Rogers, H. R. Haldeman and John Ehrlichman, April 17, 1973, 5:20 - 7:14 p.m.....	1426

76. In April 1973 former and present White House aides and CRP officials were interviewed by the prosecutors or called before the Watergate Grand Jury. These included E. Howard Hunt, Gordon Liddy, Jeb Magruder, Gordon Strachan, Richard Moore, Dwight Chapin, Herbert Kalmbach, James McCord, Fred LaRue, Herbert Porter, John Mitchell, Charles Colson and John Dean.

	Page
76.1 Transcript of a telephone conversation between John Ehrlichman and Herbert Kalmbach, April 19, 1973, SSC Exhibit No. 77, 5 SSC 2215-17.....	1444
76.2 Transcript of a telephone conversation between John Ehrlichman and Charles Colson, April 17, 1973, SSC Exhibit No. 109, 7 SSC 3010-11.....	1447
76.3 <u>United States v. Chapin</u> indictment, November 29, 1973.....	1449
76.4 <u>United States v. Mitchell</u> indictment, March 1, 1974, 1, 20-21, 44-50.....	1450
76.5 Jeb Magruder testimony, 2 SSC 808.....	1460
76.6 John Dean testimony, 3 SSC 1009.....	1461
76.7 Richard Moore testimony, 5 SSC 2059.....	1462
76.8 Fred LaRue testimony, 6 SSC 2298.....	1463
76.9 <u>In re Grand Jury</u> , Misc. 47-73, docket, March 28, 30, April 3, 5, 1973.....	1464
76.10 Herbert Porter testimony, 2 SSC 637.....	1466

77. On April 18, 1973 the President had telephone conversations with Henry Petersen from 2:50 to 2:56 p.m. and from 6:28 to 6:37 p.m. Petersen has testified that the President told him that Dean said he had been granted immunity and the President had it on tape, and that Petersen denied that Dean had been granted immunity. Petersen told the President that the prosecutors had received evidence that Gordon Liddy and E. Howard Hunt had burglarized the office of Dr. Fielding, Daniel Ellsberg's psychiatrist. The President told Petersen that he knew of that event; it was a national security matter; Petersen's mandate was Watergate; and Petersen should stay out of the Fielding break-in. The President told Petersen that the prosecutors should not question Hunt about national security matters. After this telephone call, Petersen relayed this directive to Silbert.

In response to the Committee's subpoena for the tape recording and other evidence of the telephone conversations between the President and Petersen from 2:50 to 2:56 p.m. and from 6:28 to 6:37 p.m., the President has produced an edited transcript of the conversation from 2:50 to 2:56 p.m., during which the President and Petersen dis-

cussed immunity for Dean and Magruder. A summary of that transcript has been prepared. The President has informed the Committee that the telephone call from 6:28 to 6:37 p.m. was placed from Camp David and was not recorded.

	Page
77.1 President Nixon daily diary, April 18, 1973, Exhibit 49, <u>In re Grand Jury</u> , Misc. 47-73.....	1469
77.2 House Judiciary Committee staff summary of White House edited transcript of a telephone conversation between the President and Henry Petersen, April 18, 1973, 2:50 - 2:56 p.m.,.....	1472
77.3 Henry Petersen testimony, Watergate Grand Jury, August 23, 1973, 73-75 (received from Watergate Grand Jury).....	1474
77.4 Henry Petersen testimony, Watergate Grand Jury, February 5, 1974, 12-14, 19-20 (received from Watergate Grand Jury).....	1477
77.5 Henry Petersen testimony, 9 SSC 3630-31, 3654-56.....	1482
77.6 President Nixon statement, August 15, 1973, 9 Presidential Documents 991, 993.....	1487
77.7 President Nixon news conference, August 22, 1973, 9 Presidential Documents 1016, 1020.....	1489
77.8 John Dean testimony, 3 SSC 1019-20.....	1491

78. On April 19, 1973 John Dean issued a public statement declaring in part that he would not become a scapegoat in the Watergate case. He added that anyone who believed that did not know the true facts nor understand our system of justice. Following Dean's statement, Stephen Bull of the President's White House staff checked with the Secret Service agent in charge of the White House taping system to determine if Dean knew about the existence of the taping system. The agent replied that as far as the Secret Service knew Dean had no such knowledge.

	Page
78.1 John Dean testimony, 3 SSC 1020.....	1494
78.2 <u>New York Times</u> , April 20, 1973, 1, 11.....	1495
78.3 Stephen Bull testimony, <u>In re Grand Jury</u> , Misc. 47-73, January 18, 1974, 2544-46.....	1496
78.4 Louis Sims testimony, <u>In re Grand Jury</u> , Misc. 47-73, January 17, 1974, 2447-48.....	1499

79. On April 19, 1973 the President met with Richard Moore. They discussed the President's public statement of April 17 and the fact that on March 20, 1973 Dean and Moore discussed Dean's telling the President about the Watergate matter. Moore has testified that the President said that he had told Dean that to raise money for the Watergate defendants was not only wrong but stupid. Moore told the President that Dean had shown him a list of individuals who might be indicted, and that Dean had said that Ehrlichman's problem might be involved with the Ellsberg case. The President responded that the White House investigation of Ellsberg had to be done because J. Edgar Hoover could not be counted on as he was a close friend of Ellsberg's father-in-law.

Page

79.1	Richard Moore testimony, 5 SSC 1961-62, 1982-83.....	1502
79.2	President Nixon daily diary, April 19, 1973, Exhibit 50, <u>In re Grand Jury</u> , Misc. 47-73.....	1506

80. On April 19, 1973 from 8:26 to 9:32 p.m. the President met with John Wilson and Frank Strickler, attorneys for H. R. Haldeman and John Ehrlichman. There was a discussion of the case against Haldeman and Ehrlichman.

The Committee has requested the tape recording and other evidence of this conversation. The President has provided an edited transcript of that recording. A summary of that transcript has been prepared.

Page

- | | | |
|------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|
| 80.1 | President Nixon daily diary, April 19, 1973,
Exhibit 50, <u>In re Grand Jury</u> , Misc. 47-73..... | 1512 |
| 80.2 | House Judiciary Committee staff summary of
White House edited transcript of a meeting
among the President, John Wilson and Frank
Strickler, April 19, 1973, 8:26 - 9:32 p.m..... | 1515 |

81. Between April 19 and April 26, 1973 the President had eleven conversations with Henry Petersen. Petersen has testified that during these conversations the President asked Petersen for a detailed written report on the Watergate matter; discussed the advisability of retaining Haldeman and Ehrlichman at the White House; and discussed the progress of the Grand Jury investigation. Petersen has testified that some time in the course of the April discussions the President made a flattering reference to Petersen as an adviser to the President and said he would have to serve as "White House counsel." The President also asked Petersen whether he would like to be FBI director, but stated he was not offering him the job.

Page

81.1 Meetings and conversations between the President and Henry Petersen, April 19-26, 1973 (received from White House).....	1532
81.2 Henry Petersen testimony, Watergate Grand Jury, February 5, 1974, 17-23, 29-33 (received from Watergate Grand Jury).....	1535

82. On April 20, 1973 Herbert Kalmbach was scheduled to testify before the Watergate Grand Jury. On the afternoon prior to his scheduled appearance, John Ehrlichman and Kalmbach had a telephone conversation, which was taped by Ehrlichman without Kalmbach's knowledge, during which they discussed Kalmbach's payment of funds to the Watergate defendants.

	Page
82.1 Transcript of a telephone conversation between John Ehrlichman and Herbert Kalmbach at 4:50 p.m., April 19, 1973, SSC Exhibit No. 77, 5 SSC 2215-17.....	1548
82.2 Herbert Kalmbach testimony, 5 SSC 2162-63.....	1551

83. On April 22, 1973, Easter Sunday, the President telephoned John Dean from Key Biscayne, Florida. Dean has testified that the President called to wish him a happy holiday.

Page

83.1 Meetings and conversations between the President and John Dean, April 22, 1973 (received from White House).....	1554
83.2 John Dean testimony, 3 SSC 1020.....	1555

84. On April 25 and 26, 1973 Presidential aide Stephen Bull delivered a number of tape recordings of Presidential conversations to H. R. Haldeman. At the President's request Haldeman listened to the tape recording of the President's March 21, 1973 morning meeting with John Dean, made notes and reported to the President.

	Page
84.1 Meetings and conversations between the President and H. R. Haldeman, April 25-26, 1973 (received from White House).....	1558
84.2 Portion of log of access to tapes of Presidential conversations maintained by the Secret Service, Exhibit 7, <u>In re Grand Jury</u> , Misc. 47-73.....	1559
84.3 H. R. Haldeman testimony, November 8, 1973, <u>In re Grand Jury</u> , Misc. 47-73, 927, 937-38.....	1561
84.4 Stephen Bull testimony, November 2, 1973, <u>In re Grand Jury</u> , Misc. 47-73, 344-45.....	1565
84.5 President Nixon statement, November 12, 1973, 9 Presidential Documents 1329.....	1567
84.6 H. R. Haldeman testimony, Watergate Grand Jury, January 30, 1974, 25-31 (received from Watergate Grand Jury).....	1568
84.7 H. R. Haldeman notes of listening to tape of March 21, 1973 meeting (received from Watergate Grand Jury).....	1575
84.8 Raymond Zumwalt testimony, November 1, 1973, <u>In re Grand Jury</u> , Misc. 47-73, 96-97.....	1606
84.9 H. R. Haldeman calendar, April 25 and 26, 1973 (received from SSC).....	1608

85. On April 26, 1973 Senator Lowell Weicker, a member of the Senate Select Committee, released to the press information that Patrick Gray had burned politically sensitive files which had been given to him by John Dean from Howard Hunt's White House safe. Petersen has testified that on this date the President telephoned him to ask if Gray ought to resign as Acting FBI Director and that Petersen told the President that he thought Gray's position was untenable. At the President's instruction, Petersen, Gray and Kleindienst met that evening and discussed Gray's possible resignation. Kleindienst telephoned the President and recommended that Gray step down, but added that Gray did not see it that way. The President told Kleindienst that he would not require Gray to resign immediately. Gray has testified that Kleindienst also stated after speaking to the President there must be no implication that in burning these files there was any attempt of a coverup at the White House.

	Page
85.1 L. Patrick Gray testimony, 9 SSC 3491-92, 3495.....	1614
85.2 <u>New York Daily News</u> , April 27, 1973, 2.....	1617
85.3 Meetings and conversations between the President and Henry Petersen, April 26, 1973 (received from White House).....	1618
85.4 Henry Petersen testimony, 9 SSC 3625-26, 3654.....	1619
85.5 Meetings and conversations between the President and Richard Kleindienst, April 26, 1973 (received from White House).....	1622
85.6 Richard Kleindienst testimony, 9 SSC 3598-99.....	1623

86. On April 26, 1973 Jeb Magruder resigned his post as Director of Policy Development for the Department of Commerce.

	Page
86.1 <u>Washington Post</u> , April 27, 1973, A1, A16.....	1626

87. On the afternoon of April 27, 1973 Patrick Gray notified Lawrence Higby that he was resigning as Acting Director of the FBI. From 4:31 to 4:35 p.m. on April 27, the President had a telephone conversation with Petersen during which the President asked if Petersen had any information that would reflect on the President. Petersen said no. At the President's request, Petersen met with the President from 5:37 to 5:43 p.m. and from 6:04 to 6:48 p.m. The President again asked if there was adverse information about the President. Petersen said he was sure that the prosecutors did not have that type of information.

The Committee has requested the tape recordings and other evidence of various Presidential conversations on the afternoon and evening of April 27, 1973. The President has produced edited transcripts of the conversations between the President and Petersen from 5:37 to 5:43 p.m. and among the President, Petersen and Ronald Ziegler from 6:04 to 6:48 p.m. Summaries of the transcripts have been prepared.

	Page
87.1 L. Patrick Gray testimony, 9 SSC 3492-93.....	1629
87.2 L. Patrick Gray log, April 27, 1973 (received from SSC).....	1631
87.3 Meetings and conversations between the President and Henry Petersen, April 27, 1973 (received from White House).....	1633
87.4 Henry Petersen testimony, 9 SSC 3636.....	1634

- 87.5 House Judiciary Committee staff summary of
White House edited transcript of a meeting
between the President and Henry Petersen
April 27, 1973, 5:37 - 5:43 p.m..... 1635
- 87.6 House Judiciary Committee staff summary of
White House edited transcript of a meeting
among the President, Henry Petersen and
Ronald Ziegler, April 27, 1973, 6:04 -
6:48 p.m..... 1638

88. On or about April 28, 1973 H.R. Haldeman and John Ehrlichman determined that they should resign from their positions on the White House staff. Haldeman and Ehrlichman have testified that the President did not request their resignations.

	Page
88.1 H.R. Haldeman testimony, 8 SSC 3096.....	1648
88.2 John Ehrlichman testimony, 7 SSC 2808-09.....	1649

89. On April 29, 1973 the President met with Attorney General Richard Kleindienst at Camp David. They discussed Kleindienst's resignation as Attorney General. The President asked Kleindienst if he could announce Kleindienst's resignation in his statement the next day and Kleindienst consented. Also on that date the President met with Elliot Richardson at Camp David and informed him of his intention to nominate Richardson to be Attorney General. The President told Richardson that he would commit to Richardson's determination whether a special prosecutor was needed.

	Page
89.1 Elliot Richardson testimony, SJC, Richardson Confirmation Hearings, May 22, 1973, 228.....	1652
89.2 Elliot Richardson press conference, October 23, 1973, 29.....	1653
89.3 Richard Kleindienst testimony, 9 SSC 3597-98.....	1654

90. On April 30, 1973 the President made a nationwide televised address on the Watergate matter. He announced the resignations of H. R. Haldeman, John Ehrlichman, Richard Kleindienst and John Dean and the appointment of Elliot Richardson as Attorney General of the United States.

Page

90.1 President Nixon address, April 30,
1973, 9 Presidential Documents 433-34..... 1658

STATEMENT OF INFORMATION
AND
SUPPORTING EVIDENCE

EVENTS FOLLOWING
THE WATERGATE BREAK-IN
March 22, 1973 - April 30, 1973

Part 1

1. On March 22, 1973 from 1:57 to 3:43 p.m. there was a meeting among the President, John Mitchell, H. R. Haldeman, John Ehrlichman and John Dean. The following is an index to certain of the subjects discussed in the course of that meeting:

	<u>TRANSCRIPT PAGE</u>
Nature and purpose of a written report on Watergate-related matters to be drafted by John Dean.	22-33, 52-53, 57, 74-75
White House contacts with the Senate Select Committee, and discussion of the activities of that Committee.	7-19, 27-32, 35, 46-51, 58-61, 64-68
White House position on doctrine of executive privilege, and possible changes in that position.	14, 19-21, 32-44, 62, 64, 67-69, 76
White House relationship to future Grand Jury investigations.	56-58
Reference to White House approach to disclosure as "modified limited hang out" and other discussion relating to disclosure.	70-74, 81-82, 86

	Page
1.1 Tape recording of meeting among the President, John Mitchell, H. R. Haldeman, John Ehrlichman and John Dean, March 22, 1973, 1:57 - 3:43 p.m., and House Judiciary Committee transcript thereof.....	108
1.2 H. R. Haldeman notes, March 22, 1973 (received from Watergate Grand Jury).....	212

1.1 TRANSCRIPT OF MARCH 22, 1973 MEETING

TRANSCRIPT PREPARED BY THE IMPEACHMENT INQUIRY
STAFF FOR THE HOUSE JUDICIARY COMMITTEE OF A
RECORDING OF A MEETING AMONG THE PRESIDENT, JOHN
DEAN, JOHN EHRLICHMAN, H. R. HALDEMAN AND JOHN
MITCHELL ON MARCH 22, 1973, FROM 1:57 TO 3:43 P.M.

PRESIDENT: Hello John, how are you? [Unintelligible]

MITCHELL: Mr. President [unintelligible] Nixon. Mr. President,
I'm just great. How are you?

PRESIDENT: You Wall Street lawyer --

MITCHELL: Yeah. I would hope that would be okay.

UNIDENTIFIED: I think so. Yeah. You have to admit it, have to
admit you're rich.

MITCHELL: Not in front of all these people that help to collect
taxes.

PRESIDENT: Well, we'll spend them for what you want. [Unintelligible]

MITCHELL: But I, I can report, incidentally, that the firm is doing
quite well.

PRESIDENT: Are they?

EHRLICHMAN: Can't think of any reason why it shouldn't.

MITCHELL: I don't either.

1.1 TRANSCRIPT OF MARCH 22, 1973 MEETING

EHRlichman: I assigned the log [unintelligible] on Saturday.

PRESIDENT: Yes, we know.

EHRlichman: Eastland is going to postpone any further hearings on Gray for two weeks. Try and let things cool off a little bit. He thinks Gray is dead on the floor.

PRESIDENT: [Unintelligible]

HALDEMAN: Gray's the symbol of wisdom; today, he accused your counsel of being a liar.

DEAN: He may be dead 'cause I may shoot him.

[Laughter]

PRESIDENT: How's that?

HALDEMAN: He said, "Yes"; he thinks John, he thinks John Dean did lie to the FBI when he said he wasn't sure whether Hunt, whether, uh, Howard Hunt had an office in the White House.

DEAN: I said I had to check it out. When, uh, when the agents asked me if they could see the office -- was the way it occurred -- right after an interview. And I said I would have to check that out. And now it's been interpreted that I was lying to the FBI about the fact that

1.1 TRANSCRIPT OF MARCH 22, 1973 MEETING

he had an office or didn't have an office here.

HALDEMAN: Which wasn't the question.

DEAN: Which wasn't the question.

HALDEMAN: [Unintelligible]. But the headline for tonight will be "Gray Says Dean Lied".

PRESIDENT: If Gray had been -- Gray apparently didn't know what the testimony was, is what, uh --

DEAN: He never really sought to find out the facts.

PRESIDENT: The question [unintelligible] earlier he just took the question without checking on it.

DEAN: The leading question -- Yeah, I think the question concerning the --

HALDEMAN: Yeah, the, you know, the --

MITCHELL: Well, another factor, those agents may [unintelligible]

DEAN: That's right.

HALDEMAN: Gray said that [unintelligible] FBI interview with Dean [unintelligible] question, he said, "I'll have to check it out" when asked if Hunt had a White House office.

1.1 TRANSCRIPT OF MARCH 22, 1973 MEETING

He wasn't asked that. He was asked if they could see, see the White House office. Said, "I'll have to check that out."

PRESIDENT: Well, you, will --

HALDEMAN: So then says, "Did Dean lie to the agents?" Byrd asked Gray. "Looking back I would have to conclude that you were -- everything was correct in what you say."

PRESIDENT: Yeah, but, uh --

DEAN: It's such an irrelevant point even, that's the funny thing.

PRESIDENT: Well, as a matter of fact, uh [unintelligible] such a thing that --

DEAN: They're working on it right now.

PRESIDENT: [Unintelligible] talk to Radford?

DEAN: I think so.

PRESIDENT: Yeah, but [unintelligible] wasn't Gray responsible? Wasn't Gray responsible for that?

DEAN: Well, Bull has the matter right now. I just talked to him. He said he's quite frightened to sit down, frightened somebody is talking to you right now because, uh, uh,

1.1 TRANSCRIPT OF MARCH 22, 1973 MEETING

Byrd has indicated he'd like to have all the records of all the conversations we've had since the hearings started. How does he think you have called me, initiated the calls, to report on their hearings -- wasn't a problem.

HALDEMAN: Well, Hunt was on the [snap fingers]

DEAN: He's a very down man right now, I might say also.

MITCHELL: Did you check the specific FBI reports?

DEAN: Uh, they are trying to find it over there right now. They are trying to find just how the draft of the transcript originated. And,

HALDEMAN: Yes.

DEAN: you know --

MITCHELL: Here's the point, that some of the worst conclusions about, you know, I've tried to cut off the FBI is simply inaccurate. That's what isn't true. That's the fact that [unintelligible]

DEAN: In fact that's a good point for Ziegler to say, this sort of reminds me of too --

1.1 TRANSCRIPT OF MARCH 22, 1973 MEETING

UNIDENTIFIED: I know DeMarco --

MITCHELL: He's plenty good.

HALDEMAN: You, by the way, draw the combination, for instance
[unintelligible]

PRESIDENT: Well he may be feeling sorry for himself, you know,
and [unintelligible]

MITCHELL: [Unintelligible]

DEAN: He's, he, he sounds down. He realized after our conversation that, he sounded down. He said, uh, uh, and I said, "Well, I'll talk to you later Pat" and, uh, you know, trying to show that he'd like to discuss [unintelligible] my voice [unintelligible], and he said, "Hold on just a minute." "All right, just keep the faith." [Laughs]

UNIDENTIFIED: Has he been coached by someone?

DEAN: I don't think so. Dick Moore is talking with him right now and, and [unintelligible]

PRESIDENT: What did Dick, uh, Dick, uh, say, have to say about it [unintelligible]

1.1 TRANSCRIPT OF MARCH 22, 1973 MEETING

UNIDENTIFIED: Sure. The only lawyer --

UNIDENTIFIED: [Unintelligible] want to get on the wire right quick.

MITCHELL: On the specifics of what the question was and what the response to it. Now, I think [unintelligible] Gray [unintelligible]

DEAN: Uh, they got material where they wanted. The information was in the office.

PRESIDENT: It was in the office? [Unintelligible] Hunt?

DEAN: I never -- Down to this day I don't really know where Hunt's safe was kept. Uh, I don't think there was one -- was there? [Unintelligible]

HALDEMAN: John's been over -- John's been with Ziegler this morning.

DEAN: Yeah, I left them to come over here and --

PRESIDENT: You did? **You were with them. They are, uh --**

DEAN: They're working on it too.

MITCHELL: [Unintelligible] they're working on the specifics.

DEAN: Well, they are trying to get all the facts right now, as to what he might have reported as to how he came up with the transcript in the hearings, and then the frame up.

1.1 TRANSCRIPT OF MARCH 22, 1973 MEETING

PRESIDENT: You were trying to get through to -- with the [unintelligible] Silbert -- you have to get the thing by Hunt.

EHRlichman: Not before the Grand Jury.

UNIDENTIFIED: You mean -- ?

HALDEMAN: [Unintelligible]

PRESIDENT: Right. [Unintelligible]. Tell Ron [unintelligible]

UNIDENTIFIED: [Unintelligible]

DEAN: Well, maybe in the next twenty minutes I ought to shoot back over there and, and give her a call.

UNIDENTIFIED: Shoot back [unintelligible]

UNIDENTIFIED: [Unintelligible]

PRESIDENT: About how long will it be?

DEAN: Uh, fifteen minutes.

HALDEMAN: Well, John, uh, Howard Baker just had, uh -- Hunt had this [unintelligible] sort of a buddy and, uh, Bittman just had lunch with Howard Baker's Administrative Assistant

1.1 TRANSCRIPT OF MARCH 22, 1973 MEETING

at the Administrative Assistant's request.

PRESIDENT: The same one that saw, uh, saw Colson?

HALDEMAN: Uh, I don't know that it was the same one, but I would guess. But this fellow, uh, wanted to get guidance from, uh, Timmons as to what the President was expecting out of the hearings and, uh, what, uh, he wanted to talk to him about this executive privilege business and, uh, where are we going to stand on that. He expressed the personal view that the President couldn't waive executive privilege, uh, which that son-of-a-bitch [unintelligible] Ervin would accept the written interrogatories, and, and that they would probably go to the subpoena route [unintelligible]. Uh, but, uh, nothing was raised about Baker being concerned that he didn't have contact -- nothing on that other report was raised at all. Uh, but he did say that, uh, Baker was a little pissed off at Kleindienst because, uh, uh, he had not met with him at all. He had had one meeting scheduled which they finally were able to set up, but Kleindienst cancelled it. And it has not been rescheduled, and so Baker has had no communication with Kleindienst. The day it was scheduled was the day you had your press conference and

1.1 TRANSCRIPT OF MARCH 22, 1973 MEETING

announced your executive privilege or announced that the President with Dean and nobody would go up, which, uh, caught Baker unawares. Uh, and, uh, the disturbing thing is that his understanding is [unintelligible] the view that, uh, Kleindienst would keep him informed of this next time. [Unintelligible]

MITCHELL: Plus the fact they're having a meeting with that guy, uh, as soon as he --

HALDEMAN: Oh, yeah.

MITCHELL: And all Weicker does is [unintelligible] Moore and Howard [unintelligible] Justice Department [unintelligible]

HALDEMAN: Well he's objecting to the agreement that they made with Kleindienst, that Ervin made with Kleindienst, that, uh, FBI raw files would be made available to the Chairman and the ranking member.

MITCHELL: Yeah, well --

HALDEMAN: Demanding that they be -- He's going to demand that they, they subpoena the, uh, Attorney General and the Director of the FBI to produce all the files, the materials and so forth.

DEAN: I talked to Kleindienst last night and he raised that.

1.1 TRANSCRIPT OF MARCH 22, 1973 MEETING

And he said that he worked this out with, with Weicker, but Weicker was now dissatisfied with the arrangement. So he's going to the Chairman and the ranking minority member on the conflict.

PRESIDENT: [Unintelligible] a letter to [unintelligible]

HALDEMAN: That could be the [unintelligible]

PRESIDENT: [Unintelligible] Baker's idea. He wanted to talk to Kleindienst about it, didn't want to talk to anybody else. That's the way we left it.

DEAN: [Unintelligible] I think that Kleindienst ought to be aware of the fact that Baker is distressed that he hasn't made any greater effort to see him.

PRESIDENT: Good point. Yeah.

DEAN: I will.

PRESIDENT: Fine [unintelligible]. Follow through and pick up on that idea. I just want -- I think you'd better do it yourself. Don't you?

EHRLICHMAN: Could I suggest that, that you call Kleindienst? You had the other conversation with him. Could you call him and say you've gotten a rumor that Baker's unhappy? Because [unintelligible] nobody else can do it.

1.1 TRANSCRIPT OF MARCH 22, 1973 MEETING

HALDEMAN: I think he's not really standing on his tippy-toes completely.

PRESIDENT: [Unintelligible]

MITCHELL: The nature of the liaison -- he's got [unintelligible]

PRESIDENT: [Unintelligible] communicate back and forth.

EHRlichman: [Unintelligible] will not want to be in position -- Baker does not want to be in the position of talking to anybody in the White House.

PRESIDENT: He doesn't want to talk to anybody.

MITCHELL: [Unintelligible] collaborate with us.

PRESIDENT: He doesn't want to talk --

HALDEMAN: But he wants to collaborate -- this A. A. was saying, he wants to be helpful, he wants to work things out. He told the President he wanted to do that through the

PRESIDENT: Yeah.

HALDEMAN: Attorney General.

PRESIDENT: That's right. Said he did want to talk to Kleindienst.

DEAN: Does Kleindienst know that?

1.1 TRANSCRIPT OF MARCH 22, 1973 MEETING

PRESIDENT: Yes, of course.

HALDEMAN: Well then, call Kleindienst.

UNIDENTIFIED: [Unintelligible]. Were you there? [Unintelligible]

MITCHELL: What are they going to collaborate on?

PRESIDENT: [Unintelligible] what?

MITCHELL: Well, now, what are they going to collaborate on?

PRESIDENT: Well, I suppose on such matters, uh, you may recall that Gray wants to, uh [unintelligible] wants the FBI; however [unintelligible] and so forth having Kleindienst [unintelligible]

HALDEMAN: Well, again, I, I know exactly what the trouble is.

PRESIDENT: Oh, okay. [Unintelligible] all done. [Unintelligible] I'm the one that should do it. But you -- what Baker was thinking of, says that Kleindienst cancelled [unintelligible] I would think Kleindienst should have done it.

EHRlichman: [Unintelligible] broadcast [unintelligible]

MITCHELL: Well, that's another thing, that, uh [unintelligible] For instance, said to Timmons, Baker was expecting all the lawyers to try to get into the confidence of Sam Ervin that [unintelligible]

1.1 TRANSCRIPT OF MARCH 22, 1973 MEETING

HALDEMAN: Yeah, but he shouldn't be too concerned about Baker's public statements in agreement with Ervin with, uh, that established him [unintelligible]

PRESIDENT: Well, he said that he [unintelligible] against it. That's what he wants to do. [Unintelligible] Okay. Well, uh, you, you're going to follow up about 2:30 on, on, Gray [unintelligible]. He's **[laughs] a little bit on** the stupid side, to be frank with you.

DEAN: The prospects to let himself get sandbagged until then won't happen.

PRESIDENT: You'd better counsel him about it. The problem with him, the problem with him, John, is, uh, with Gray, is uh, a certain stubbornness [unintelligible] talk to Kleindienst. Frankly, I think too, I think maybe, maybe Kleindienst ought to counsel him and talk to him.

DEAN: He has, uh, and he listened to him. John Ehrlichman talked to Kleindienst last night and said that's where Gray was getting his guidance.

EHRlichman: The whole trouble is that Dick gives him guidance which is very general. Something like this comes up and Gray overreacts -- it's almost a spasm reaction. We

1.1 TRANSCRIPT OF MARCH 22, 1973 MEETING

had, the other day -- whether or not, you know, giving them access to the FBI files.

PRESIDENT: Yeah.

EHRlichman: It was, it was the opposite of what Kleindienst told him.

PRESIDENT: I know it.

EHRlichman: And, uh --

PRESIDENT: He shouldn't have even needed guidance on that.

EHRlichman: Of course.

PRESIDENT: Nobody -- the Director of the FBI should not have even known -- should have even known, second nature, that, uh, you never turn over raw files to a full committee.

EHRlichman: I talked to Dick Saturday night

PRESIDENT: Yeah.

EHRlichman: and he just was beside himself because of that. And, uh, he said, "Hell, we covered this," he says, and, uh, he was really obsessed on it. And I feel --

PRESIDENT: Well, okay. I'll, uh -- I'll tell him. [Picks up phone] Try Mr. Kleindienst, please. [Hangs up] Well, were we, uh, -- What, uh, words of wisdom do we have

1.1 TRANSCRIPT OF MARCH 22, 1973 MEETING

from this august body on this point?

EHRLICHMAN: Our brother Mitchell brought us some wisdom on executive privilege which, I believe --

MITCHELL: Technically, Mr. President, I think the only problem [unintelligible] and I'd prefer you just coming out and stating,

PRESIDENT: That's right.

MITCHELL: and, uh, and I would believe that, uh, it would be well worthwhile to consider to spoil the picture to the point where under the proper circumstances you can settle with certain former people in the White House and some [unintelligible] [telephone rings] some of the current people at the White House [telephone rings] under controlled circumstances should go up and, uh -- [telephone rings]

PRESIDENT: [Picks up phone] Hello.
Oh, Dick, I wanted to tell you, you know, on, uh, on, uh, uh, Baker that, uh, his Administrative Assistant was talking to Timmons and, uh, Baker has, uh, appreciated, you know, [unintelligible] going to make a deal [unintelligible] was good. They've not been able to, uh, have the, uh, discussion [unintelligible].

1.1 TRANSCRIPT OF MARCH 22, 1973 MEETING

Well, I just wanted to tell you that, uh, you know, nobody here -- you remember our conversation regarding any discussion at all with Baker, which I think is proper, don't you? Now the point is, on the other hand, uh, that Baker wants -- what it means, you know, contacted, and it really depends, so --
I see.

Really? Uh huh.

Uh huh.

Today.

Yeah, by his Administrative Assistant.

So, uh, I guess that the point is that, which we -- you see we're counting on you to be the man there, uh, Dick, and, uh, and I want to keep everybody else out of this and so -- and, uh, you know, and I told Baker -- I said [unintelligible] "All right, now who do you want to talk to?" And he said, "Kleindienst," and I said, "Fine, he's the man." And so I left it at that, and so he's, he's running down here --
Yeah.

Yeah.

How's this -- why don't you get him on the phone, get him down there. And say, "Now, look, [unintelligible]. He's also -- it's sort of a line with Baker, now, that

1.1 TRANSCRIPT OF MARCH 22, 1973 MEETING

he doesn't have any contact with the White House officials, he didn't want that, that's not his fault -- that's not our fault. [Unintelligible] delighted except that it would not be the right thing. And, uh, on the other hand, in contact with you, it is essential for him to stick to your guidance. I get it he wanted everybody to come down in public session.

Yeah.

No way -- and so forth.

Well, we'll keep in touch with you, Dick, uh, basically through Dean, uh, which is the best way, uh, in terms of, uh, in terms of, uh, of what, uh, of what we had done with the Committee [unintelligible] and that those were in our guidelines. But then I think you, you really got to be our Baker handholder, you know. That's a hell of a tough job, but, uh, I, if you have, if you have to have him move in with you, then do it, huh? Yeah, better get his wife out of the way and move him in. Yeah.

Yeah. Yeah.

Yeah, I understand. Postponed -- for two weeks? [Unintelligible]. Yeah, I know.

Right, I know.

Right. Right.

1.1 TRANSCRIPT OF MARCH 22, 1973 MEETING

Yeah.

Yeah.

Yeah, apparently down here it means that, uh, maybe he's a bit phony, but, uh, the other aspect [unintelligible].

Yeah, the trouble is, you know, is, uh, opened -- I,

I understand you were as shocked as some, as I was that raw files had already been made available to the Committee.

Yeah.

Did he? What do you think about it?

Yeah. Well, do what you can.

Incidentally, with Weicker, did you work that thing out with him? Uh, he, he said in public he still hadn't written a letter, you know -- yeah.

When did you talk to him? [Cough]

Yeah.

I expected that.

That's right.

Yeah.

No, you don't, you never had done that before. No, that even goes further.

Right. Right. But we're doing it in order that we get clear -- Yeah. All right, then, let's leave it

1.1 TRANSCRIPT OF MARCH 22, 1973 MEETING

this way -- You'll handle, uh, you'll, you'll handle Baker now, huh? You'll babysit him, starting, like, like in about ten minutes?

All right. Okay.

[Hangs up]

PRESIDENT: We're fairly certain -- You could probably hear this afternoon. He said, he said he's called Baker about, oh, dozens of times, and Baker -- it seems he's out of town making a speech [unintelligible] and this trip just goes on, and on, and on. But, he'll try. He'll call him right away. He said he talked to Weicker for an hour on the phone [unintelligible] furnishing the files [unintelligible]. Well, anyway, he says he talked to him for an hour and a half.

UNIDENTIFIED: [Unintelligible]

PRESIDENT: When I talked to Kleindienst [unintelligible]. Maybe it's not Kleindienst; maybe it's Baker.

HALDEMAN: I would guess that there's truth, truth to that, too. I have always said, they're always down here bitching about nobody calling them, nobody giving them anything and all that. They say, "When you catch them, you can't get to them."

1.1 TRANSCRIPT OF MARCH 22, 1973 MEETING

EHRlichman: [Unintelligible] catch them [unintelligible] pass the word to Colson, Webster --

PRESIDENT: That's right.

EHRlichman: And this --

PRESIDENT: And his, and his, and incidentally, it just looks like he -- his Administrative Assistant called Colson. Now that's what Colson informed me. And I said, "But, what the hell," he said, [unintelligible], but I said, uh --

EHRlichman: Well, that isn't a casual pitch.

PRESIDENT: No.

DEAN: Maybe he's looking for some -- Baker's looking for some, some sort of a link with the White House. Maybe that's what he's

UNIDENTIFIED: Well --

DEAN: trying to hint at.

PRESIDENT: It's got to be Kleindienst. Go ahead on executive privilege, I suppose -- How would you, uh, how would you handle it, uh?

MITCHELL: All I have worked out was

PRESIDENT: Work out the arrangements.

MITCHELL: the best formula that we've discussed.

PRESIDENT: Well, I guess under the, under the, uh, under the situation

1.1 TRANSCRIPT OF MARCH 22, 1973 MEETING

that you, uh, under the statement that we have, we're in a position to, to [unintelligible] I think we could, uh, we're in a position to, uh, negotiate with the Committee as to how, but we are not in a position to have, uh, to, uh, to cross the bridge in terms of saying that Hunt and Liddy will go down and testify and that members of the White House staff will testify in open, public session, or something like that. But you've got a lot of

EHRlichman: Formal --

PRESIDENT: other things --

EHRlichman: Formal is the word.

PRESIDENT: Formally is the word I use.

UNIDENTIFIED: Uh --

PRESIDENT: And incidentally, that's what I told Baker, too.
I said, "Fine that's the term."

MITCHELL: On executive --

PRESIDENT: We begin with that proposition -- I'd be comfortable there -- and see what you can get by with.

MITCHELL: On executive privilege, Mr. President, stay well aware

1.1 TRANSCRIPT OF MARCH 22, 1973 MEETING

that some have waived it, and the more I think about it [unintelligible]

PRESIDENT: Yes.

EHRICHMAN: And it hurts the more you do it, the more you --

MITCHELL: The more it's less, uh, [unintelligible].

PRESIDENT: [Unintelligible] Sherman Adams.

MITCHELL: Uh, the point, uh, beyond which you might be able to work it out here.

PRESIDENT: Yeah.

MITCHELL: The, uh, the point being that this seems to be the only way in which you get involved [unintelligible]

PRESIDENT: You do.

MITCHELL: I would, uh, lay out a formula and, uh, negotiate it with, with Sam Ervin or either through Baker or however else [unintelligible]. And I would, I would also put together a damn good PR team. [Unintelligible] made available so that the, uh, the facts can be adduced without putting on a political road show.

EHRICHMAN: What about this?

MITCHELL: What about the President's team? The team is important.

EHRICHMAN: Okay, I've written this. I can see that Chapin, for

1.1 TRANSCRIPT OF MARCH 22, 1973 MEETING

instance, could appear, without it in any way being germane to the Presidency. So I'm going to decide right now

UNIDENTIFIED: Baker --

EHRlichman: that --

PRESIDENT: Not Baker, that'll be a little too --

EHRlichman: Well, whoever you talk to. Uh, I've got a report here and I think I see where the danger points are and where they aren't. I'd want to reserve, obviously, as to any question that might be asked.

UNIDENTIFIED: Right.

EHRlichman: I can pinpoint some people now, but it really wouldn't make any difference.

HALDEMAN: John, do you admit there's any danger point? You admit that any one member of the White House staff can testify because it's no danger point for him, but that some other one can't because it's a danger point with

1.1 TRANSCRIPT OF MARCH 22, 1973 MEETING

him. Then what you're saying is,

EHRlichman: Well, but the first -- [unintelligible]

HALDEMAN: then you're saying the President was involved.

EHRlichman: I'm, I'm, I'm saying danger in the sense of that he could, could, could -- provocative.

MITCHELL: But [unintelligible] for the sake of going about discussion, in other words that -- Maybe we think that it's appropriate at this time to formalize John's theory on the Segretti matter and the Watergate matter based on the documentation from the FBI and [unintelligible] FBI [unintelligible] in other words based on -- **Can the Grand Jury -- what we know came out of there, the trial** [unintelligible] as far as that's **one incident -- whatever** the record, uh, could have been available to me. This is why the investigation of -- we had the memorandum with the back-up -- you know, obviously the FBI after all [unintelligible] and so forth **couldn't find anything more.** It's not expected that you could or [unintelligible] get out by way of their interrogation [unintelligible] uh, two memorandum from Dean is important [unintelligible] appropriate time with it. John did, and say I [unintelligible] all the public

1.1 TRANSCRIPT OF MARCH 22, 1973 MEETING

records [unintelligible]

PRESIDENT: We've tried that though, John. Uh --

DEAN: [Clears throat] Why won't --

PRESIDENT: We still have grave doubts about it, though.

DEAN: Well, I don't know --

MITCHELL: I did too before, Mr. President. I, I had severe doubts about it. The, uh, now that, now that the facts have come out as have the FBI reports, and we have had the trial, that you have some documentation [unintelligible]

DEAN: I think the, uh, the proof is in the pudding, so to speak -- it's how the document is written and until I sit down and write that doc-- I, I've done part "B" so to speak. I've done the Segretti thing.

UNIDENTIFIED: Uh huh.

DEAN: Uh, and I am relatively satisfied that we don't have any major problems with that. All right, as I go to part "A" -- the Watergate -- I haven't written -- I haven't gone through the exercise yet, uh, in really whole

1.1 TRANSCRIPT OF MARCH 22, 1973 MEETING

effort to write such a report, and I really can't say if I can do it -- where we are. And I, I think it's certainly something that should be done, though.

PRESIDENT: Yeah.

DEAN: And, uh, but we --

MITCHELL: You never know --

DEAN: you never know until we sit down and try to do it.

PRESIDENT: Now, let me say on the Watergate, that's a case [unintelligible] Segretti [unintelligible]

DEAN: We can't, we can't be as complete 'cause we don't know. All we know is what, is whether --

PRESIDENT: That's a question [unintelligible]

EHRLICHMAN: It's a negative setting for us.

PRESIDENT: In setting forth this general conclusion based on [unintelligible] all these questions. You are -- that based on all of your consideration, uh, all of your analysis, and so forth, you, you're, you have found and very carefully put down that this individual, that individual, that individual, were not involved. We're going [unintelligible] to have to presume that. Rather than going into every leaked story and other charge, et cetera, et cetera, et cetera, and knock this, this,

1.1 TRANSCRIPT OF MARCH 22, 1973 MEETING

this, this, this, this down -- I don't, I
don't know --

DEAN: Yeah, well that's why I'd like to, like to -- and I
don't think I can do it until I sit down. This evening
start drafting.

PRESIDENT: Exactly.

HALDEMAN: I think you ought to hole up -- now that you -- for the
weekend and do that.

PRESIDENT: Sure.

HALDEMAN: Let's put an end to your business and get it done.

PRESIDENT: I think you need a -- that's right. Why don't you do
this? Why don't you go up to Camp David? And, uh --

DEAN: I might do that; I might do that. A place to get away
from the phone.

PRESIDENT: Completely away from the phone and so forth. Just go
up there and, uh [unintelligible] I don't know what
kind work this is, but I agree that that's what you
could -- **see what you come up with.** You would
have in mind and assume that we've got some sort
of a document [unintelligible] and then the next step
once you have written it you will have to continue to

1.1 TRANSCRIPT OF MARCH 22, 1973 MEETING

defend [unintelligible] action.

EHRLICHMAN: That would be my scenario, that, that he presents it to you as, at, at your request. And, uh, you then publish it.

DEAN: Well, that, that's --

MITCHELL: That introduces the problem for us [unintelligible]

DEAN: -- trial.

MITCHELL: criminal trial and then appeals which may --

EHRLICHMAN: I, I know that, but I don't care.

DEAN: Well you ought to be --

HALDEMAN: I don't see why. You're not dealing with the defendant's trial. You're only dealing with the White House involvement. You're not dealing with the campaign.

DEAN: That's where I first [unintelligible]

PRESIDENT: Well, you can write, you could write it in a way

UNIDENTIFIED: [Unintelligible]

1.1 TRANSCRIPT OF MARCH 22, 1973 MEETING

PRESIDENT: you could write it in a way that you say this report does not re--, it's not, not, will not comment upon and so forth and so forth, but, "I -- as, as you directed, Mr. President, and without at all compromising the rights of defendants and so forth, some of which are on appeal, here are the facts with regard to members of the White House staff, et cetera, et cetera, et cetera, which you have asked from me. I have checked the FBI records; I have read the Grand Jury testimony and this is it -- these are my conclusions, chit, chit, chit, chit."

EHRlichman: As a matter of fact you could say, "I, I will not summarize some of the FBI reports in this document because it is my understanding that you may wish to publish this." Or, or you can allude to it in that way without saying that flatly. You can say that "I do not summarize all the FBI documents in this report."

DEAN: Or I could say that all of the FBI [clears throat], it is my understanding that all the FBI reports have been turned over to the Ervin Committee. Another, another vehicle might --

HALDEMAN: And, and he has only seen half of them.

DEAN: Yeah.

1.1 TRANSCRIPT OF MARCH 22, 1973 MEETING

PRESIDENT: Oh, yeah.

DEAN: Another vehicle might be, take the report I write
and give it to Ervin and Baker,

PRESIDENT: Yeah.

DEAN: uh, under the same terms that, uh, they're getting the
FBI reports. Say, "Now, this has innuendo in it, little
things the press would leak from this and assume things
that shouldn't be assumed. But I want you to know
everything we know." And publicly state that you've
turned over a Dean Report to the Ervin Committee. And
then begin to say -- the next step is, "I think that
you can see that various people have various ingredients
where they may be of assistance in testifying. But it
is not worth their coming up here to be able to repeat
really what is here in some forum where they are going
to be, uh, treated like they are in a circus. But I
am also willing, based on this document, to set some
ground rules for how we have these people appear before
your Committee."

EHRlichman: A case in point: the issue of whether or not I had a
phone call reporting the burglary.

DEAN: Right.

1.1 TRANSCRIPT OF MARCH 22, 1973 MEETING

EHRlichman: Now, that's all I know about the damn thing is that the Secret Service, or some policeman phoned.

DEAN: But they could go on forever with you on that.

EHRlichman: Exactly.

DEAN: And I think it ought to be things like we've got in, in this report and this might be, you know, get, give it to Ervin on the confidence that we're not talking about documents being released. We're talking about something that's entirely facts. You could even [unintelligible] write a [unintelligible]

PRESIDENT: [Unintelligible] accomplish our purpose if it isn't released.

DEAN: I think it, I think it --

PRESIDENT: And I, I thought the purpose -- I thought John's concern [unintelligible] I guess you'd want him for me to --

DEAN: I do, I --

EHRlichman: My thought is --

PRESIDENT: In other words, rather than fighting it, we're not, we're not fighting the Committee -- we are, of course --

1.1 TRANSCRIPT OF MARCH 22, 1973 MEETING

but what we're fighting is a public relations battle.

EHRlichman: And I am looking to the future, assuming that some corner of this thing comes unstuck at some time, you're then in a position to say, "Look, that document I published is the document I relied on, that's the report I relied on and it **codified and included all the secret, uh, identification of the FBI -- "**

PRESIDENT: This is all we knew.

HALDEMAN: All the stuff we could find out --

EHRlichman: "And now, this new development is a surprise to me, and I'm going to fire A, B, C, and D -- now."

DEAN: John, let me just raise this. If you take the document publicly, the first thing that happens is the press starts asking Ziegler about it, inspecting the document each day. "Well, why did Ehrlichman receive the call? How did they happen to pick out Ehrlichman?"

PRESIDENT: That's right.

DEAN: "Uh, what did he do with the information after he got it?" Uh, so on. Each, every item can be a full day of quizzing.

1.1 TRANSCRIPT OF MARCH 22, 1973 MEETING

UNIDENTIFIED: Yeah.

DEAN: They'll just go through the document day after day
after day.

MITCHELL: Now what is your concerned judgment as to when and
under what circumstances --

PRESIDENT: Another thing -- However,

MITCHELL: [Unintelligible]

PRESIDENT: let me say, that while Ziegler could be given all those
questions, I would say those are questions -- I think
Ziegler should cut it off.

MITCHELL: Let it die.

PRESIDENT: This -- Yeah, fine. I think there should be a cut-off
point which [unintelligible]. If John just sort of
[unintelligible] I'm not going to comment on the basic
questions that are properly before the Committee on
the [unintelligible]

DEAN: Well, you, you've said you are going to cooperate with
a proper investigation.

PRESIDENT: Yeah, but I'm not going to comment on it while it is
proper.

1.1 TRANSCRIPT OF MARCH 22, 1973 MEETING

DEAN: That's right.

PRESIDENT: As long as it's proper.

DEAN: So why would you, why not put ourselves in a framework where you're way out above it? You're cooperating with this Committee; you've turned over the materials,

PRESIDENT: And then, no further comment.

DEAN: and no further comment.

PRESIDENT: You see, I think you could get off with the Ziegler business. I mean, I don't want Ziegler -- I, I was trying to pull Ziegler off of that by my own statement, too. [Unintelligible] cooperate with the Committee, give full cooperation, but we're not going to comment while the matter is being considered by the Committee

HALDEMAN: But you don't say,

PRESIDENT: unless the Committee does this and that.

HALDEMAN: but you don't say that people don't give, don't release, don't publish the, uh, Dean report. Only hand it over --

DEAN: -- to a proper investigative committee.

1.1 TRANSCRIPT OF MARCH 22, 1973 MEETING

PRESIDENT: Well, then if you turn over the, do that, though, then can we get anything out about the, uh, Republicans putting out that much of a report? Uh, can we still get out the fact that

EHRlichman: Well, the President --

PRESIDENT: there has been a report in which everybody in the White House -- which bears out the President's --

HALDEMAN: Ron can make the statement.

DEAN: That's right.

HALDEMAN: That the President --

[Several
voices]: [Unintelligible]

PRESIDENT: John wants the statement --

EHRlichman: Another way to do this, and that would be for you to have a meeting with Ervin and Baker.

PRESIDENT: Yeah.

EHRlichman: That would -- I told them --

PRESIDENT: Well, we've thought of that, I mean, we've thought of that and we've tried it.

1.1 TRANSCRIPT OF MARCH 22, 1973 MEETING

EHRlichman: But, but we didn't have a reason for the meeting. This would be for the purpose of turning over the document and discussing the ground rules. Uh, before you did that you want to have that all agreed in advance as to what the ground rules would be. And, you've got quid pro quo here because you could come to, to Baker, and you could come to the Committee or to Ervin direct, and say, "Look, I'll turn over the Dean report to you, provided we can agree, uh, on how witnesses will be treated up there." I can, I can even, uh, construe, uh,

PRESIDENT: Right.

EHRlichman: executive privilege.

PRESIDENT: John, for example, if you were, uh, just talking about executive privilege, this, this really gets down to the specifics in terms of the question what do you do when they say, "What about Colson?" Does he go or not?

MITCHELL: I think that Colson goes.

PRESIDENT: He has to go?

UNIDENTIFIED: Right.

MITCHELL: I think Colson --

1.1 TRANSCRIPT OF MARCH 22, 1973 MEETING

HALDEMAN: Everybody goes under John's -- including Ehrlichman and me -- everybody except John Dean, who doesn't go because he's, he's got the lawyer privilege.

MITCHELL: I think what is happening to you and John and so forth with the Committee could be negotiated out of the contents of this report.

PRESIDENT: We should negotiate it how?

MITCHELL: The President's report will show that uh, your simple thought -- your simple involvement was missing in the pub bill.

HALDEMAN: No, it would show more on my book, I'm afraid.

DEAN: But, they'll still, they'll still -- One strong argument --

HALDEMAN: Let us, let us go.

DEAN: Yeah.

HALDEMAN: I, I, I don't see any argument against our going if you are going to let anybody go.

DEAN: That's right.

HALDEMAN: Let us go. But, on the condition -- you get less trouble with us than you do with some of the others. And if it's not -- and, now sure if you get, if you get the

1.1 TRANSCRIPT OF MARCH 22, 1973 MEETING

big fish up there in front of the television cameras, yes, I think that would be tough. I think Strachan going up wouldn't get them nearly as excited as, as John and me going up.

PRESIDENT: That's Strachan and Chapin.

HALDEMAN: Well, Chapin wouldn't have to appear

DEAN: Well --

HALDEMAN: as a focal point, but, but, uh, uh, I think, if you could do it in executive session, uh --

UNIDENTIFIED: Then I would [unintelligible]

HALDEMAN: Then, then why hold us back?

PRESIDENT: The executive session thing has always appealed to me. Now of course, you could say, "Well, in terms of people coming up here, of course you have to [unintelligible] session, but you got to convin--, the Committee feels constrained under executive session --

DEAN: We can invite the Committee down to the Roosevelt Room or the Blair House.

UNIDENTIFIED: Yeah.

1.1 TRANSCRIPT OF MARCH 22, 1973 MEETING

MITCHELL: Oh hell, you could --

PRESIDENT: Yeah, you could set it at a different venue,
that's true. You could put it in a different place.
You could say we -- which is what I --

MITCHELL: That would be hard to negotiate.

HALDEMAN: Can, can we maintain informality?

EHRlichman: It will never -- it would never fly.

UNIDENTIFIED: Never fly.

HALDEMAN: Yeah, I don't know why not. Those others go up there.

UNIDENTIFIED: [Unintelligible]

PRESIDENT: Well, would executive session fly?

EHRlichman: Executive session, I suspect, would at this point,
yes sir, yeah, I, I really think these guys are concerned about this Mexican standoff that they've got,
and I think they're --

PRESIDENT: They'll also --

EHRlichman: I think that, that, the, uh -- Ervin's crack on television about arresting people crossed the line.

PRESIDENT: Right.

1.1 TRANSCRIPT OF MARCH 22, 1973 MEETING

EHRlichman: That would take it quite a bit far.

MITCHELL: In addition to that you have the problem of the long
lengthy litigation.

PRESIDENT: It's going to go on for a hell of a long time.

HALDEMAN: Ervin doesn't want that.

DEAN: Let him take it on the counsel, then.

HALDEMAN: That's what he doesn't want.

DEAN: I know, but let him, if, if he, uh --

HALDEMAN: We have offered to do it on Dwight Chapin. That's
the easy one for him.

UNIDENTIFIED: Yeah.

HALDEMAN: You got some guy who had no contact with this [unin-
telligible]

PRESIDENT: It was quite, it was quite clear to me that, it was
quite clear to me that, uh, as long as, as long as Dean --

HALDEMAN: Won't they test it?

PRESIDENT: No, they didn't test it. We asked them to --

UNIDENTIFIED: Find out.

1.1 TRANSCRIPT OF MARCH 22, 1973 MEETING

PRESIDENT: He said let's find out. They didn't bite that one very fast, did they John?

HALDEMAN: Chapin's the guy they'd test it on. You try to hold privilege on Chapin and that's one they'd go to Court on. They, they'd --

PRESIDENT: Probably.

HALDEMAN: You might do pretty well, because here's a former employee, a guy who had no policy role, had no

PRESIDENT: -- contact --

HALDEMAN: major contact with the President, and he'd have a hell of a time demonstrating --

MITCHELL: Obviously you'll have to expect a subpoena.

PRESIDENT: Chapin?

MITCHELL: Yeah, because he's no longer employed.

HALDEMAN: Well, because,

PRESIDENT: What I'd --

HALDEMAN: because with the subpoena, if he's called to testify regarding his appointment, but not, not regarding his -- any present stuff.

1.1 TRANSCRIPT OF MARCH 22, 1973 MEETING

MITCHELL: He doesn't [unintelligible] legroom. They can get him up there.

EHRlichMAN: Well, the precedent

UNIDENTIFIED: I, I, I --

EHRlichMAN: on this is interesting. I think that his lawyer would advise him to go.

UNIDENTIFIED: Couldn't get anything, couldn't do anything [unintelligible]

MITCHELL: They could get him to talk.

PRESIDENT: We would have to express the trust -- In the case of a present White House employee they couldn't get him up here, right?

MITCHELL: Right.

PRESIDENT: In the case of a past one you could get him up, but then he could, then he would have to go in front of the cameras and say, "I will not because of executive privilege."

MITCHELL: Well, they can get up with him.

EHRlichMAN: But its your privilege -- you interpose it.

PRESIDENT: I see.

EHRlichMAN: And, and, uh, first we have the, the anomaly of Clark

1.1 TRANSCRIPT OF MARCH 22, 1973 MEETING

Mollenhoff running up and, and, uh, trying to give testimony in a civil service area over here now. He's running up saying, "Ask me a question, ask me a question, this is a kangaroo court, and, and I waive --" The hearing examiner just says, "Sit down and shut up." And what's happening is that, that, the, uh, government is asserting the executive privilege.

MITCHELL: No, they are not.

EHRlichman: Well --

MITCHELL: Not executive privilege.

EHRlichman: Yeah, all right --

MITCHELL: In fact you have --

UNIDENTIFIED: [Unintelligible] executive --

EHRlichman: All right. It's the closest thing to it. But the point is, who's privilege is it to assert? Now, what do you do if it's Chapin? I think, I, I haven't thought this -- this is the reason I called you here to figure out what the scenario is -- but I assume what would happen is that immediately the subpoena issued, that, that on behalf of the President a letter would go to the Committee saying the Executive asserts privilege.

1.1 TRANSCRIPT OF MARCH 22, 1973 MEETING

PRESIDENT: Let me ask this. Uh, the, this question is for John Ehrlichman and, uh, John Dean. Uh, now you were the two who felt the strongest, uh, on the executive privilege thing [unintelligible]. If I am not mistaken, you thought we ought to draw the line where we did. [unintelligible]. Have you changed your mind now?

DEAN: No sir, I think it's a, I think it's a terrific statement. It's -- It, it puts you just where you should be. It's got enough flexibility in it. It's --

PRESIDENT: But now -- what -- all that John Mitchell is arguing, then, is that now we, we use flexibility

DEAN: That's correct.

PRESIDENT: in order to get on with the coverup plan.

EHRlichman: And, as I told him, I am, am so convinced we're right on the statement that I have never gone beyond that. He argues that we're being hurt badly by the way it's being handled. And I am willing -- let's see --

MITCHELL: That's the point.

HALDEMAN: I think that's a valid evaluation, I think [unintelligible]

1.1 TRANSCRIPT OF MARCH 22, 1973 MEETING

MITCHELL: See, that's the only point, the only point

HALDEMAN: Yeah.

MITCHELL: where the President --

HALDEMAN: That's where you look like you're covering up right now. That's the only thing, the only active step you've taken to cover up the Watergate all along.

PRESIDENT: That's right.

DEAN: What is?

HALDEMAN: Was that.

PRESIDENT: Ev--, even though we've offered to cooperate.

HALDEMAN: To the extent -- and on legal grounds, and, and precedent,

PRESIDENT: That's right.

HALDEMAN: and tradition, and constitutional grounds and all that stuff you, you're just fine, but to the guy sitting at home who watches John Chancellor say that the President is covering this up by re--, this historic review blankets the widest exercise of executive privilege

1.1 TRANSCRIPT OF MARCH 22, 1973 MEETING

in American history, and all that. He says, "What the hell's he covering up? If he's got no problem why doesn't he let them go and talk?"

MITCHELL: And it relates to the Watergate, it doesn't relate to Henry Kissinger

HALDEMAN: That's right.

MITCHELL: or foreign affairs.

HALDEMAN: That's right. Precedent and all that business -- they don't know what you're talking about.

PRESIDENT: Well, maybe then we shouldn't have made the statement.

HALDEMAN: I think we should have because it puts you in a much better position to -- They were over here. That's what Ervin wanted. He wanted all of us up there -- unlimited, total, wide open. We -- The statement in a sense puts us over here. Now you move back to about here and probably you can get away with it.

EHRlichman: Well, you can get away with it in the Watergate context. You see, you said

HALDEMAN: That's right.

EHRlichman: executive privilege would work and, and then, then you've

1.1 TRANSCRIPT OF MARCH 22, 1973 MEETING

applied it in the first instance to Gray. You said this fellow can't go.

PRESIDENT: That's right.

EHRlichman: And, I wouldn't change that.

PRESIDENT: I [unintelligible]

EHRlichman: I can't -- anything about that.

PRESIDENT: Great.

EHRlichman: Exactly right.

PRESIDENT: Right.

EHRlichman: At the same time --

MITCHELL: By the way isn't that [unintelligible]

EHRlichman: [Unintelligible]

PRESIDENT: That's right.

EHRlichman: Uh --

PRESIDENT: [Unintelligible] one syllable names.

EHRlichman: At the same time, uh, you are in a position to say, "Oh, well now this, this other case, and what I,

1.1 TRANSCRIPT OF MARCH 22, 1973 MEETING

what I'm going to do there, consistent with my statement, is so and so, and so and so."

HALDEMAN: Because it very clearly -- The questions that the Committee properly wants to ask don't have any bearing on these people's relationship to the President. Which they don't. The President had nothing to do with it.

UNIDENTIFIED: I don't know at all. I --

EHRlichman: There again, it's going to be hard to get proof. Well, it'll be hard to -- if you -- You're right, we're going to need some kind of a PR campaign.

UNIDENTIFIED: Yes, that's true.

PRESIDENT: That's true, what?

EHRlichman: For the average guy.

PRESIDENT: Is thinking about [unintelligible] Dean --

EHRlichman: This is -- the argument will be, uh, the President's backed off his rock solid position on executive privilege and is now letting, uh, Chapin, and Colson, and, and, Haldeman, and everybody testify.

PRESIDENT: That the rest of us said that that's perfectly [unintelligible]

1.1 TRANSCRIPT OF MARCH 22, 1973 MEETING

DEAN: It is. I think they're

EHRlichman: -- saying that there are PR problems.

PRESIDENT: But people don't think so, is that right?

UNIDENTIFIED: That's right.

DEAN: Sure.

PRESIDENT: In spite of what [unintelligible]

HALDEMAN: Oh, yeah. They don't think the --

PRESIDENT: I agree. I understand. I understand.

HALDEMAN: They think you clanged down an iron curtain here
and you won't let anybody out of here, ever.
That have ever worked here. Scour lady on up.
It was my understanding -- I thought from you,
or maybe it was someone else -- that the Committee's
operating rules do not permit witnesses to have
counsel.

DEAN: That's grand jury. I've never heard that about,

HALDEMAN: -- about the Committee?

DEAN: about the Committee no, I can't believe --

1.1 TRANSCRIPT OF MARCH 22, 1973 MEETING

PRESIDENT: The Committee, on the contrary, on the contrary, committees, ever since the day I was there, they, they all allowed counsel.

UNIDENTIFIED: [Unintelligible]

MITCHELL: Can't imagine their not having counsel.

DEAN: [Unintelligible]

PRESIDENT: No sir. Committees, committees allow counsel.

HALDEMAN: If that's -- it seems to me if you're going to do this, that becomes important in that any White House staff member who testifies should not only have private counsel if he wants it -- personal counsel -- but the President's counsel should be there because you're under a limited waiver of executive privilege and the President's counsel should be there to, to uh, uh, enforce the limitation and the witness should not have to be in the position of saying, "That's one I can't answer because it is outside the ground." You or Fielding or somebody should be doing that for him.

PRESIDENT: Have you -- the, the Executive Session thing?

UNIDENTIFIED: No. They, uh --

DEAN: They'll bitch about that, too.

1.1 TRANSCRIPT OF MARCH 22, 1973 MEETING

HALDEMAN: What are you going to hide? If you're going to let them come up, why do you -- why is that secret?

PRESIDENT: Yeah, yeah. How do you handle that PR-wise?

MITCHELL: You don't. One of the hazards [unintelligible] another Roman holiday like they've had with Kleindienst and Gray. This, uh, fact-finding operation -- they're to get the facts and not to put another political, uh, circus like they have in the past.

DEAN: And if -- if there were no cameras up there, there would be no reason to have it executive session because, uh --

HALDEMAN: Well, then they come back and say all right we'll do it in open session, but we'll, uh, permit television coverage.

PRESIDENT: Oh no. They won't do that. That [unintelligible] their problem because of television. It'll kill them [unintelligible] executive session written testimony be released. I think that that's the basis of the relation. That is stupid to talk about formal sessions, so, uh, that, that gets away from it. That's a, that's a -- It, it is a formal session. Executive session [unintelligible] release testimony. Correct?

DEAN: That's correct. We have said that no --

1.1 TRANSCRIPT OF MARCH 22, 1973 MEETING

HALDEMAN: Point of debate, too. You argue they shouldn't.

UNIDENTIFIED: Yeah, he does.

MITCHELL: Well, they won't buy it.

EHRlichman: Yeah, but I probably can't get away with it. [Unintelligible].
But it's a good thing to start with.

UNIDENTIFIED: Sure.

EHRlichman: You want a bargaining position, I think it's arguable that, uh, that all they're really interested in this, is information, and I think they don't need to release the transcripts, you know.

HALDEMAN: Is there, uh, an executive session of a Senate Committee -- Are other Senators permitted -- they are, aren't they? Any Senator has the privilege of Committee [unintelligible]

UNIDENTIFIED: Yup.

HALDEMAN: So Teddy Kennedy could come in and sit there.

PRESIDENT: Sure. He can't ask questions.

HALDEMAN: He can't?

MITCHELL: Not unless you're a member of the parent Committee.

1.1 TRANSCRIPT OF MARCH 22, 1973 MEETING

UNIDENTIFIED: Which he is.

MITCHELL: [Unintelligible]

HALDEMAN: But this isn't, this isn't subject --

DEAN: Select, Select Committee.

PRESIDENT: Other members cannot -- whether -- that, that should be worked on too. But I -- It normally is the practice that nobody can ask questions except members.

HALDEMAN: Of course, Teddy could still sit there in the audience and then go out to the TV cameras and say, "Look [unintelligible]"

DEAN: Wouldn't it be wonderful if he would?

PRESIDENT: Probably we're going to have that.

DEAN: I think if he did that, that would be terrific.

HALDEMAN: I was just thinking that, in the membership of the Committee, we're in reasonably good shape. The members -- the people that you have on the Committee are not as bad as most, as some Senators who would turn the use of TV afterwards for their own --

PRESIDENT: Not as spectacular. What?

UNIDENTIFIED: You know, no way, and, and, uh [unintelligible]

1.1 TRANSCRIPT OF MARCH 22, 1973 MEETING

[Several voices]: [Unintelligible]

EHRLICHMAN: Well, I would say [unintelligible]

PRESIDENT: It's very soon that we're going to be moving on [unintelligible]

DEAN: And I point out [unintelligible]

PRESIDENT: [Unintelligible]

HALDEMAN: When do they start hearings now?

PRESIDENT: The thing --

DEAN: There's no time set.

HALDEMAN: How would they time that?

PRESIDENT: Well, the top--, the hearings won't be -- we have plenty of time before the hearings, but what, uh,--

UNIDENTIFIED: The PR.

PRESIDENT: John's concerned about, the PR, we don't have much time.

UNIDENTIFIED: Well, but --

PRESIDENT: You don't have much.

1.1 TRANSCRIPT OF MARCH 22, 1973 MEETING

DEAN: PR is going to start on this right away with, with the termination of the Gray hearings for two weeks that'll let some steam out of the --

PRESIDENT: Yeah. Your PR would,

DEAN: Well, it'll have to --

PRESIDENT: the PR would -- What I meant is, and any--, and anyway the main thing is to do the right thing. Don't rush too fast on the PR but, uh, uh, it'll take some time to write, uh, something. John's got to have time to write this report. He's got to have a chance to look at -- I guess we don't, we don't breach, we don't broach or do we broach this whether we have a report or not?

MITCHELL: I think you can broach that.

PRESIDENT: Fine.

MITCHELL: Now --

PRESIDENT: Let me ask you this: On the broaching of that, should we have Kleindienst be the broacher? The point is, who else? I can't.

DEAN: That's right. Well, Kleindienst in his conversations

1.1 TRANSCRIPT OF MARCH 22, 1973 MEETING

with Ervin and Baker -- Ervin indicated that he would like to talk to Kleindienst about the executive privilege question. Uh, maybe it's now time to get that channel re-opened again. Uh --

MITCHELL: Let me, let me make this suggestion.

HALDEMAN: Write it out so, so Kleindienst said that both chapter and verse -- on this--

UNIDENTIFIED: [Unintelligible]

UNIDENTIFIED: Without anybody else present.

MITCHELL: For a first step, for a first step, you're going to have that meeting and we're going to keep John out of that. But you're going to have everybody screaming about executive privilege going on in a committee meeting again. And I think, well, before the Committee meeting is held, for somebody to say, "We want to discuss with the Chairman of the Committee his concept of the appearances of witnesses." And don't discuss it with him until you get all your ducks in a row all layed out. But, at least you advise them that it is a discussion of the subject matter so they don't come out and blast you [unintelligible]

1.1 TRANSCRIPT OF MARCH 22, 1973 MEETING

EHRlichman: Then ask him not to take a Committee vote on the subject either, until --

HalDEman: [Unintelligible] committee locked in, but you can work something, maybe you can work on that.

PResident: Well is this the time to, uh, I mean, the point is, uh, if the, if the, if the Committee -- Is this the time to [unintelligible]. That's it. Who's going to talk to him? Who's going to be there? Who do you think should do it?

MITCHELL: Kleindienst talks --

PResident: Talks to -- in other words to Baker and Ervin, basically. That conversation should occur like tomorrow. Why not? If you're going to move in this direction, regardless of the report. We've got to move in this direction [unintelligible] start the negotiation.

MITCHELL: Well, I think that's too much lead time. Uh, in, in the process before the Committee meeting [unintelligible]. Now, what's Wally Johnson's status?

1.1 TRANSCRIPT OF MARCH 22, 1973 MEETING

DEAN: That's funny, because I -- he is still here, hasn't gone up yet, but he's been announced apparently. I gather he'll be an assistant Attorney General. What I was thinking is maybe to preserve my counsel role with Ervin and Baker that I ought to be present with Kleindienst.

PRESIDENT: I agree.

DEAN: And the four of us sit down and talk about executive privilege -- we won't get into

PRESIDENT: Yeah.

DEAN: any of the substance.

PRESIDENT: Well, the thing about your being at this, uh, is that you can keep Kleindienst, uh, uh -- I'm skeptical --

DEAN: Plus they, they would appreciate the fact they're dealing with me as counsel -- that's another reason I am not,

PRESIDENT: That's right.

DEAN: you know, when the final wire is drawn --

MITCHELL: Well, it's appropriate for the President's counsel to be present when the discussions take place.

1.1 TRANSCRIPT OF MARCH 22, 1973 MEETING

DEAN: That's right.

PRESIDENT: Well, all right. Now let's, let's get down to the question: How do we want to do this? How do we start there?

DEAN: I would think that possibly Kleindienst, uh, ought to call today, uh, and let Ervin and Baker know that he would like to meet with them early next week to talk about executive privilege, uh, indicate that I would be present to see if we can find

PRESIDENT: A formula for

DEAN: a formula to resolve --

PRESIDENT: getting information that they desire.

DEAN: That's right.

HALDEMAN: It's an unpublicized meeting.

DEAN: Unpublicized.

PRESIDENT: I think we'd, uh [unintelligible] go ahead.

HALDEMAN: [Unintelligible] on top of that. I would say early in the week. You better say Monday so you can get them before the Committee meets.

MITCHELL: And, naturally cover Watergate first.

1.1 TRANSCRIPT OF MARCH 22, 1973 MEETING

PRESIDENT: I don't know how far Ervin's going to go, uh --
Ervin's insistence on letting Dean testify -- whether
he might. We'd have to draw a line there, wouldn't we
John?

MITCHELL: I would agree wholeheartedly that you better not go back
on your final statements on the subject.

PRESIDENT: That's right. That's right.

UNIDENTIFIED: Even if there hadn't been statements --

PRESIDENT: That's right. But the point is, we've got to accept the
decision of Judge Byrnes [unintelligible] on the bail.
The other thing to do on the Dean thing is say -- you'd
simply say, "Now, that's out. Dean has -- he makes the
report. Here's everything Dean knows."

DEAN: Right.

PRESIDENT: That's where, that's why the Dean report is critical.

EHRlichman: I think, John, on Monday could say to Ervin if that, uh,
question comes up, "I, I know the President's mind on this.
He's adamant about my testifying, as such. At the same time
he has always indicated that the fruits of my investigation
will be known." And just leave it at that for the
moment.

1.1 TRANSCRIPT OF MARCH 22, 1973 MEETING

DEAN: One issue that may come up as the hearings go along, if it then becomes a focus, is, what did Dean do? Uh, as you all know I was over -- all over this thing like a wet blanket. I was everywhere -- everywhere they look they are going to find Dean.

PRESIDENT: Sure.

DEAN: Uh --

HALDEMAN: That's perfectly proper.

DEAN: But it, but -- I don't think that's bad.

EHRlichman: I don't know. I was supposed to be.

PRESIDENT: You were on it at the first. You were directed by the President to get me all the facts. Second, as White House Counsel you were on it for the purpose of, of representing any people in the Executive Branch who were being questioned on it. So you were there for the purpose of getting information. In other words, that was your job. Correct?

DEAN: That's right.

PRESIDENT: Then you heard -- But, but the main point is that you can certainly tell them that Dean had absolutely no operational -- The wonderful thing about your position is, I think, as far as they're concerned -- Watergate -- is

1.1 TRANSCRIPT OF MARCH 22, 1973 MEETING

your position's one of, of truly of counsel. It is never, never as an operator. That's the --

HALDEMAN: You can even -- In the private sessions, then, maybe, maybe, volunteer to give them a statement on the, the whole question of your recommendation of Liddy which is the only possible kind of substantive [unintelligible] that you could have and, and in that you can satisfy one of those arguments.

PRESIDENT: [Unintelligible]

HALDEMAN: And that you -- if you wanted to.

PRESIDENT: At the, at the President's direction you've never done anything, any operational, you were always, always just as counsel, always just as counsel. Well, we've got to keep you out anyway: the Dean thing. I guess we just draw the line, so we give them some of it -- not give them all of it. I don't suppose they'd say John -- "No, we don't take him in executive session." Would he go up in public session? What would your feeling on that be?

MITCHELL: I wouldn't let him go.

PRESIDENT: You wouldn't.

MITCHELL: I would not.

1.1 TRANSCRIPT OF MARCH 22, 1973 MEETING

PRESIDENT: Why not? You just take the heat of being -- uh, all right. How about you wouldn't -- but on the other hand you'd let Chapin go. And you'd let Colson go.

HALDEMAN: No, he doesn't.

PRESIDENT: Because they're former White House people.

MITCHELL: You can't keep them out of all those sessions. Now, I want to get back to that [unintelligible] Dean spoke to Chapin; on the basis of that Chapin talked to Segretti last weekend.

DEAN: Well, they can subpoena any of us. There's no doubt about that. Uh, they, they, if they don't serve us here because they can't get in, they can serve you at home or somewhere. They can ultimately find you.

EHRlichman: I'm going to move to Camp David.

PRESIDENT: Right.

HALDEMAN: By helicopter.

[Laughter]

PRESIDENT: Go ahead. [Unintelligible]

DEAN: So, the question is once you're served and you decline, then

1.1 TRANSCRIPT OF MARCH 22, 1973 MEETING

you've got a contempt situation. Now, I would say that it, it, it gets very difficult [sighs] to believe that they'll go contempt on people who --

PRESIDENT: Present White House staff.

DEAN: Present White House staff.

PRESIDENT: They would on Colson. They could do that, could they?

DEAN: That would be a good test case for them to go on. Uh, the other thing is, though, they could sub--, subpoena Colson to come up there and Colson could then say, "Well, I, I decline to testify on the basis that I think this is a privileged communication, uh, or privileged activities." And again you get a little, a little fuzzier as to whether or not you --

MITCHELL: I'd rather not answer the question that's asked.

DEAN: That's right.

MITCHELL: See my point.

DEAN: That's right. There it, then it would get much fuzzier as, as to whether or not they cite him for contempt or not.

PRESIDENT: Suppose the Judge tomorrow, uh, orders the Committee to

1.1 TRANSCRIPT OF MARCH 22, 1973 MEETING

show, show its evidence to the Grand Jury [unintelligible] then the Grand Jury reopens the case and questions everybody. Does that change the game plan?

DEAN: [Unintelligible] send them all down.

PRESIDENT: What? Before the Committee?

MITCHELL: The President's asked [unintelligible] this.

DEAN: Now are you saying --

PRESIDENT: Suppose the Judge opens -- tells the Grand Jury and says, "I, I don't," says, "I want them to call Haldeman, Ehrlichman and everybody else they didn't call before." What do you say to that? Then do you still go on this pattern with the Ervin Committee? The point is, if, if a grand jury, uh, decides to go into this thing, uh, what do you think on that point?

EHRlichman: I think you'd say, "Based on what I know about this case, uh, I can see no reason why I should be concerned about what the grand jury process -- "

PRESIDENT: All right.

EHRlichman: That's all.

1.1 TRANSCRIPT OF MARCH 22, 1973 MEETING

HALDEMAN: And that would change --

PRESIDENT: Well, they go in -- do both: Appear before the Grand Jury and the Committee?

DEAN: Sure.

EHRlichMAN: You have to bottom your defense, your position on the report.

PRESIDENT: That's right.

EHRlichMAN: And the report says, "Nobody was involved,"

PRESIDENT: That's right.

EHRlichMAN: and, and you have to stay consistent with that.

MITCHELL: Well, theoretically, I think you will find the Grand Jury is not about to get out of the [unintelligible] substance.

PRESIDENT: Right.

HALDEMAN: Thus the danger of a grand jury is they bring indictments on the basis of --

MITCHELL: Which they've studied.

DEAN: Well, there are no rules.

1.1 TRANSCRIPT OF MARCH 22, 1973 MEETING

PRESIDENT: The rules of evidence before grand juries are not pretty fair at this point.

DEAN: That's right.

MITCHELL: Uh, when you have something that's, uh, reasoned and controlled --

PRESIDENT: Yeah.

DEAN: You have attorneys --

PRESIDENT: Yeah.

MITCHELL: [Unintelligible] the rules of the evidence meet.

PRESIDENT: [Unintelligible]

EHRlichman: Somebody can get one in the form of a letter.

MITCHELL: [Unintelligible] according to [unintelligible]

HALDEMAN: Well, what would happen? Would Silbert be the, be the, uh, prosecutor on this?

DEAN: Unless the, the Court appointed a special prosecutor, which he could do.

PRESIDENT: Yeah. So, we better see tomorrow on that. But, uh, but,

1.1 TRANSCRIPT OF MARCH 22, 1973 MEETING

the -- So that, if that's the case how do we, uh --
let's move now on the first one. Now who is to
call, uh, Kleindienst?

DEAN: I am to follow through on [unintelligible]

PRESIDENT: You going to call him and tell him what?

DEAN: I'm going to tell him to call Baker first, and then
Ervin, and tell them that you would like to meet with
them on Monday, uh, to discuss and explore a formula
for providing the information they need in a way that
does not cause a conflict with the President's general
policies on executive privilege.

PRESIDENT: Yet meets, and yet meets their, uh, meets their need
for information.

DEAN: Right.

PRESIDENT: Have they requested, they've requested that kind of a
talk already, haven't they?

DEAN: Yes.

EHRLICHMAN: And you'll sit down with Dick, Mr. President?

1.1 TRANSCRIPT OF MARCH 22, 1973 MEETING

PRESIDENT: Yeah. Yeah. [Unintelligible] you're going to be so busy doing the report there will be no one --

DEAN: Well, I'll work on that over the weekend, and, and, uh, actually it's good because things do slow down a little, over the weekend.

HALDEMAN: Also write out a thing for Kleindienst so that --

PRESIDENT: I think you can talk to him. I, I think you can do most of the talking. Get the main -- Get to thinking -- You can do it. Say you have studied the subject. You also know what, what, uh, my position is.

DEAN: I don't think we ought to read anything in this first session but I think we ought to let him know that we are thinking about

PRESIDENT: Right.

DEAN: reaching some sort of --

PRESIDENT: Say, "Now, what is, uh, -- What would you think here?"

HALDEMAN: Well, just stay loose [unintelligible]

DEAN: Stay loose.

PRESIDENT: I would say, I would say, "Now look, that's what, that's

1.1 TRANSCRIPT OF MARCH 22, 1973 MEETING

what we're going to do. We'll lay out the thing about, uh, with regard to this, we want to, we want to see what can be worked out with regard to, uh, uh -- We, we talked about informal sessions. Is Ervin's position been he insists on formal sessions? Is that his position?

DEAN: Well, we don't know. We've never really [unintelligible]

MITCHELL: [Unintelligible] gotten into that.

HALDEMAN: His response to your position -- that's really what you've got now --

PRESIDENT: Yeah.

HALDEMAN: Ervin's response to the, to the Nixon position and that is, "Written stuff isn't any good. I want the body, you, you can't ask paper, you can't ask a piece of paper questions." Okay. Now, what we're saying meets that requirement --

PRESIDENT: The written, the written thing was in which?

EHRLICHMAN: That was a, that was a, uh, Ziegler, I believe.

PRESIDENT: I think so.

1.1 TRANSCRIPT OF MARCH 22, 1973 MEETING

EHRlichman: I don't know how it came out. It's not in a statement.

HalDEMAN: No, but it's a general thing. I think

PRESIDENT: Yeah.

HalDEMAN: it was in your press conference where you said they will provide written, uh -- I think you said it.

PRESIDENT: I may have said it and I don't --

HalDEMAN: In a press conference. And I think Ervin's response was to that.

PRESIDENT: Right.

HalDEMAN: Your statement if, uh,

PRESIDENT: Could have been.

HalDEMAN: "These people will be happy to provide, uh, written answers to questions,"

PRESIDENT: Yeah.

HalDEMAN: "that, uh -- appropriate questions."

PRESIDENT: You think -- are you sure it wasn't in the statement, the written statement?

EHRlichman: No.

HalDEMAN: No.

1.1 TRANSCRIPT OF MARCH 22, 1973 MEETING

EHRlichman: I think, I am sure we

PRESIDENT: Right.

EHRlichman: used formal, informal --

DEAN: It, it came up the first time is when I responded to,

MITCHELL: That, that's right. Exactly.

DEAN: to Eastland, I responded to Eastland's invitation
to --

PRESIDENT: You said you would furnish written --

UNIDENTIFIED: Right.

DEAN: Furnish written --

PRESIDENT: I think the -- I think that's where you'll find it.

DEAN: And then you -- and then it was repeated after that, uh, that
we would be happy to supply information and, uh --

PRESIDENT: I think we've been [unintelligible]

HALDEMAN: But, then Ervin responded -- he specifically rejected that
only on the grounds that you can't ask questions of a piece
of paper.

PRESIDENT: Cross examine.

1.1 TRANSCRIPT OF MARCH 22, 1973 MEETING

HALDEMAN: We need to deal with our questions. So we are giving him that opportunity. He hasn't said that the processes of the Senate require that those questions be answered in [unintelligible]

PRESIDENT: What is the, what is the argument that you give, John, to people who -- and, uh -- Why executive session rather than open session?

DEAN: Well, I --

PRESIDENT: You can't really give --

DEAN: I think we'll have --

PRESIDENT: You can't really attack the Committee's, uh, flamboyance.

DEAN: No, you can't.

PRESIDENT: So, what do you say?

DEAN: I think what I'd do is we'll talk a little about the Constitution, and I'll remind him of the position that he took so vocally in the Gravel case,

PRESIDENT: That's right.

DEAN: where he came out and said that legislative aides cannot be called to question for advice they give their Senator or Congressman. He just went on at great length and cited executive privilege --

1.1 TRANSCRIPT OF MARCH 22, 1973 MEETING

PRESIDENT: Then he'll say, "This was not advice to the President."
Go ahead.

DEAN: Well, and I'll say, I'll, and I'll say that, that these
are men who do advise the President.

PRESIDENT: And that's, that's the principle involved.

DEAN: And we have to draw the line.

PRESIDENT: And to have the principle discussed, uh, in open session,
and so forth, is the kind of a thing where you've got to,
you ought to go off to the bench, where the jury doesn't hear
it, basically.

DEAN: Well, I --

HALDEMAN: I don't think John or Dick should tip their hands in the
Monday meeting as to an offer to appear in executive session
and get them on to the executive session wicket. It seems
to me

DEAN: No. No, I agree.

HALDEMAN: they, they should only indicate a willingness to listen to,
uh, ideas as to what would be done

DEAN: Yeah.

HALDEMAN: and an open-mindedness to try and work something out.

1.1 TRANSCRIPT OF MARCH 22, 1973 MEETING

PRESIDENT: Yeah.

HALDEMAN: Because if you get to that, that's going to become the issue

PRESIDENT: Yeah.

HALDEMAN: and it seems to me that's an issue we could win publicly where we may not be able to win it with the

DEAN: I think, I --

EHRlichMAN: How about --

HALDEMAN: Senate, but you [unintelligible]

EHRlichMAN: What about expressing the President's concern about the protection of his people from a spectacle?

UNIDENTIFIED: That's fine.

PRESIDENT: Well, I'm also concerned about his, about frankly, the, uh, having, having, uh, matters that really are a subject of executive privilege debated publicly, rather -- That's a matter that ought to be debated privately.

DEAN: That's right.

PRESIDENT: Uh, other matters, we have no, and, and, and, without, and, and, and, and the fact that it's raised does not indicate guilt. That's part of his argument on Gravel,

1.1 TRANSCRIPT OF MARCH 22, 1973 MEETING

too. The fact that it's raised does not indicate guilt. That's what we are really talking about here. But having it in public session does, uh, indicate that.

DEAN: Well, I will work out a complete, uh, negotiating scenario and have thought it through before I go up.

HALDEMAN: Really all your, your objective in that meeting is simply to indicate to them a willingness to discuss. It's not

DEAN: That's right.

HALDEMAN: to lay out a proposal

DEAN: I,

HALDEMAN: for them

DEAN: I agree.

HALDEMAN: to accept or reject.

DEAN: I will --

MITCHELL: John, as part of that, as part of the scenario, you want to hold executive session for the protection of those records.

DEAN: Very true. Uh --

PRESIDENT: There, and it's the record for the future. But that's -- that maybe you can tell Ervin, maybe on a mountaintop, that,

1.1 TRANSCRIPT OF MARCH 22, 1973 MEETING

that this is perhaps a good way to set up a procedure where we could do something in the future, and all. You know what I mean?

DEAN: Uh huh.

PRESIDENT: Where future cases of this sort are involved. "We're, we're making a lot of history here, Senator. And, uh -- "

MITCHELL: And the Senator can be a great part of it.

PRESIDENT: No, really. We're making a lot of history. And that's it -- we're setting a historic precedent. The President, after all, let's point out that the President, uh, how he bitched about the Hiss case. Which is true, I raised holy hell about it.

DEAN: Ervin away from his staff --

PRESIDENT: Huh?

DEAN: Ervin away from his staff is not very much, and I think he might just give up the store himself right there and lock himself in. I, you know, I've dealt with him for a number of years, and have seen that happen and have reached accord with him on legislation.

1.1 TRANSCRIPT OF MARCH 22, 1973 MEETING

HALDEMAN: That's another thing, if you don't offer him anything,
you may get an offer

DEAN: That's,

HALDEMAN: from him

DEAN: that's right.

HALDEMAN: you can't accept. He'll ask you [unintelligible]

DEAN: That's exactly what he'll do.

PRESIDENT: And if he just takes the adamant -- Suppose now he just
takes the adamant line? Nothing.

HALDEMAN: Sits there and says,

DEAN: I'll say,

HALDEMAN: "I'll think about that."

DEAN: "That's all right."

PRESIDENT: You could go back --

DEAN: "Doesn't sound like you're interested in information,"

PRESIDENT: Yeah.

DEAN: "it sounds like you're interested in, in fighting"

PRESIDENT: Yeah.

1.1 TRANSCRIPT OF MARCH 22, 1973 MEETING

DEAN: "on principle."

PRESIDENT: He says, "Look, we are just going to have public sessions. It's got to be that or else."

EHRlichman: Then, "We've got a law suit Senator and it is going to be a long one."

UNIDENTIFIED: That's right.

MITCHELL: "How can you, you expedite your hearings?"

PRESIDENT: Yeah. "If you want your hearings" -- and uh, that's the other thing. The other point is, would it not be helpful to get Baker enlisted somewhat in advance. If that could be done by not begging him [unintelligible]. If we -- can we put Kleindienst to that thing?

MITCHELL: On the second step -- not on the opening.

PRESIDENT: Well, even on the opening step the problem that I have here, if Baker sits there and just parrots Ervin's adamant thing, saying, "Hell no, there can't be anything except the public sessions," you have nothing to bargain with.

MITCHELL: But Mr. President you know how these Senators act. Baker will lay the whole thing out on the table.

PRESIDENT: Yeah, I guess you are right.

1.1 TRANSCRIPT OF MARCH 22, 1973 MEETING

MITCHELL: Including the contempt. They'll be --

PRESIDENT: Baker, on the other hand -- Kleindienst should at least talk to him and say "Look Howard, why don't you try to work something out here?" Why couldn't he say that?

HALDEMAN: He could say, "We're going to try -- we want to work something out." "Yeah, but then

PRESIDENT: "Glad to work something out."

HALDEMAN: work with us."

PRESIDENT: Yeah.

HALDEMAN: "We're, we're, we're

PRESIDENT: "Now, work, work

HALDEMAN: questioning how you -- "

PRESIDENT: with us, but you can't, you can't be [unintelligible]. Right now, Howard, right now, Howard, we're just going for a law suit." Uh --

HALDEMAN: "Give us a hand and try to open this up." That's, that's -- Baker would be fine that much ahead of time.

PRESIDENT: That's right.

HALDEMAN: Be positive this time around.

1.1 TRANSCRIPT OF MARCH 22, 1973 MEETING

DEAN: Don't lock yourself in. You hear every,

HALDEMAN: Right.

DEAN: all ---

PRESIDENT: Right.

DEAN: so you have another session or so, on it.

PRESIDENT: Yeah. The other point is that you be reminded so you get to it. Now, just assume, however, it happens so [unintelligible] insists that [unintelligible] you just, then, then, then it becomes essential then to put the Dean report out, it seems to me, and say, and then have the law suit.

EHRlichman: We can say that if he really -- I would say, "Well, okay, then, why don't we now discuss how we frame the legal issue here?" And, uh, and, uh, "Perhaps we can at least agree on how to frame the legal issues, so that instead of taking three years it will only take a year and a half."

HALDEMAN: Get it settled before this Administration leaves [unintelligible]

DEAN: They know that it's -- depending upon who they are going after and the circumstances, that they've got a tough law suit ahead of them.

1.1 TRANSCRIPT OF MARCH 22, 1973 MEETING

PRESIDENT: Uh huh.

DEAN: They've got to hire counsel to --

PRESIDENT: Yeah.

DEAN: It's going to cost money to brief it on their side. They don't have the government repre-- , you know they don't have the Department of Justice to handle their case; they've got to bring in special counsel who probably knows nothing about executive privilege, has to be educated. Uh, get the Library of Congress clanking away at getting all the precedents out and the like, and -- We've got all that. Of course, uh, it's, it's a major operation for them to bring in and they have to

EHRlichman: The other way --

DEAN: get a resolution of the Senate to do it, uh --

EHRlichman: Fortunately, Ervin is a Constitutional expert.

HALDEMAN: Yeah. He calls himself --

EHRlichman: Self-certified. That's a Constitutional expert --

PRESIDENT: Well, anyway,

EHRlichman: While you do that --

1.1 TRANSCRIPT OF MARCH 22, 1973 MEETING

PRESIDENT: the, uh -- Now, uh, we could -- Have you considered any other poss--, have you considered the other, all other possibilities you see here, John? You, you're the one who is supposed to --

DEAN: That's right. I think we,

PRESIDENT: You know the bodies.

DEAN: I think we've had a good go-round on --

PRESIDENT: You think, you think we want to, want to go this route now? And the -- Let it hang out, so to speak?

DEAN: Well, it, it isn't really that --

HALDEMAN: It's a limited hang out.

DEAN: It's a limited hang out.

EHRlichman: It's a modified limited hang out.

PRESIDENT: Well, it's only the questions of the thing hanging out publicly or privately.

DEAN: What it's doing, Mr. President, is getting you up above and away from it. And that's the most important thing.

1.1 TRANSCRIPT OF MARCH 22, 1973 MEETING

PRESIDENT: Oh, I know. But I suggested that the other day and we all came down on, uh, remember we came down on, uh, on the negative on it. Now what's changed our mind?

DEAN: The lack of alternatives or a body.

[Laughter]

EHRlichman: We, we went down every alley. [Laughter] Let it go over.

PRESIDENT: Well, I feel that at, uh, I feel that this is, that, uh, I feel that at the very minimum we've got to have the statement and, uh, let's look at it, whatever the hell it is. If, uh, if it opens up doors, it opens up doors, you know.

EHRlichman: John says he's sorry he sent those burglars in there, and that helps a lot.

PRESIDENT: That's right.

MITCHELL: You are very welcome, sir.

[Laughter]

HALDEMAN: Just glad the others didn't get caught.

PRESIDENT: Yeah, the ones we sent to Muskie and all the rest; Jackson, and Hubert, and, uh [unintelligible]

1.1 TRANSCRIPT OF MARCH 22, 1973 MEETING

EHRLICHMAN: I get a little chill sitting over there in that part of the table there.

PRESIDENT: Yeah [unintelligible]. Getting pr--, I, I, I,

EHRLICHMAN: Yeah.

PRESIDENT: I got to handle my Canadian friend

EHRLICHMAN: Right.

PRESIDENT: at the moment. Incidentally, uh, you don't plan to have, uh, you weren't planning to have a press briefing [unintelligible]

EHRLICHMAN: We hadn't planned it. It wouldn't hurt, uh --

PRESIDENT: [Unintelligible] 3:30 with John [unintelligible]. All right.

EHRLICHMAN: He is going to talk to the press tomorrow.

PRESIDENT: Yeah, let's let it go. [Unintelligible]

UNIDENTIFIED: [Unintelligible]

PRESIDENT: Suppose you take it, you take care of it now [unintelligible] and I won't come over there. I -- you might, if you get

1.1 TRANSCRIPT OF MARCH 22, 1973 MEETING

him waltzed around, you let me hear --

EHRlichman: All right.

PRESIDENT: It would be my thought then that I would then break it off at 4:30.

DEAN: All right. Fine.

MITCHELL: Four o'clock will be the minimum [unintelligible]

EHRlichman: I, I think both of you [unintelligible]

PRESIDENT: Yeah, I was thinking that we ought to, uh -- yeah, I understand. But, but no, Bob, what time is the -- is my take-off scheduled for 4:30 today?

UNIDENTIFIED: 4:30.

HALDEMAN: Yes, sir.

PRESIDENT: Well, we won't, we won't rush. George needs to talk, [unintelligible] get the chance to.

EHRlichman: [Unintelligible]

PRESIDENT: Yeah.

EHRlichman: Three, uh, say fifteen, twenty minutes from now?

PRESIDENT: Sure, sure.

EHRlichman: Okay.

1.1 TRANSCRIPT OF MARCH 22, 1973 MEETING

NOTE: At this point, a portion of the discussion has been deleted.

MITCHELL: [Unintelligible]

PRESIDENT: Yeah.

MITCHELL: Believe me, it's a lot of work.

PRESIDENT: Oh, great, I may [unintelligible]. Well, let me tell you, you've done a hell of a job here.

UNIDENTIFIED: [Unintelligible]

PRESIDENT: I didn't mean for you. I thought we had a boy here. No, you, uh, John, uh, carried a very, very heavy load. Uh, both Johns as a matter of fact, but, uh, I was going to say, uh, uh, John Dean is, uh [unintelligible] got -- put the fires out, almost got the damn thing nailed down till past the election and so forth. We all know what it is. Embarrassing God damn thing the way it went, and so forth. But, in my view, uh, some of it will come out; we will survive it. That's the way it is. That's the way you've got to look at it.

DEAN: We were within a few miles months ago, but, uh, we're --

1.1 TRANSCRIPT OF MARCH 22, 1973 MEETING

PRESIDENT: The point is, get the God damn thing over with.

DEAN: That's right.

PRESIDENT: That's the thing to do. That's the other thing that I like about this. I'd like to get -- But you really would draw the line on -- But, I know, we can't make a complete cave and have the people go up there and testify. You would agree on that?

MITCHELL: I agree.

PRESIDENT: You agree on that, John?

DEAN: If we're in the posture of everything short of giving them a public session [unintelligible] and the whole deal. You're not hiding anything.

PRESIDENT: Yeah. Particularly if, particularly if we have the Dean statement.

DEAN: And they've been given out.

PRESIDENT: And your view about the Dean statement is to give that to the Committee and not make it public, however.

DEAN: That's correct; I think that's --

1.1 TRANSCRIPT OF MARCH 22, 1973 MEETING

PRESIDENT: And say it's, uh --

MITCHELL: Give it to the Committee for the purpose --

PRESIDENT: -- the purpose of their investigator.

MITCHELL: [Unintelligible] to limit the number of witnesses

PRESIDENT: Yeah.

MITCHELL: which are called up there, instead of a buck-shot operation.

PRESIDENT: And say here, and also say, "This may help you in your investigation. "

MITCHELL: Right.

PRESIDENT: "This is everything we know, Mr. Senator." That's what I was preparing to say. "This is everything we know; I know nothing more. This is the whole purpose, and that's that. If you need any further information, my, our counsel will furnish it, uh, that is not in here." It'd be tempting to -- "But this is all we know. Now, in addition to that, you are welcome to have, have people, but you've got to have" -- I think that the best way to have it is in executive session, but

1.1 TRANSCRIPT OF MARCH 22, 1973 MEETING

incidentally, you say executive session for those out of government as well as in?

MITCHELL: That's right.

PRESIDENT: Chapin and Colson should be called in.

DEAN: [Unintelligible]

PRESIDENT: I would think so.

MITCHELL: Sure. Because you have the same problem.

PRESIDENT: You see we ask -- but your point -- we ask for, uh, the privilege, and at least, you know, we, we, our statement said it applies to former as well as present [unintelligible]

DEAN: Now, our statement -- you leave a lot of flexibility that you normally -- for one thing, taking the chance appearing, and uh, however, informal relationships will always be worked out [unintelligible]

PRESIDENT: Informal relations.

DEAN: That's right.

MITCHELL: You have the same basis --

'1.1 TRANSCRIPT OF MARCH 22, 1973 MEETING

PRESIDENT: Well, it might. When I say that, that, that --
the written interrogatory thing is not as clear
[unintelligible] maybe Ervin is making it that way, but
I think that's based on what maybe, uh, we said that
the -- I don't think I said we would only write, in,
in the press conference, written interrogatories.

DEAN: That's right. I don't think --

PRESIDENT: I didn't say that at all.

DEAN: Ervin just jumped to that conclusion as a result of my
letter to, uh --

PRESIDENT: I think that's what it was.

DEAN: I think that's what's happened.

PRESIDENT: Not that your letter was wrong -- it was right. But, uh,
the whole written interrogatory, we didn't discuss other
possibilities.

MITCHELL: With respect to your ex-employees, you have the same
problem of getting into areas of privileged communica-
tions. You certainly can make a good case for keeping
them in executive session.

1.1 TRANSCRIPT OF MARCH 22, 1973 MEETING

PRESIDENT: That's right.

MITCHELL: [Unintelligible]

PRESIDENT: And, and in this sense the precedent for working -- you can do it in cases in the future, which [unintelligible] executive session, and then the privilege can be raised without having, uh, on a legal basis, without having the guilt by the Fifth Amendment, not like pleading the Fifth Amendment --

MITCHELL: Right.

PRESIDENT: the implication always being raised.

MITCHELL: [Unintelligible] and self-protection in that view?

PRESIDENT: What? Yeah.

DEAN: [Unintelligible] Fifth Amendment.

PRESIDENT: That's right. That's what we're going to do here.

MITCHELL: Those -- boy, this thing has to be turned around.
Got to get you off the lid.

PRESIDENT: Right

DEAN: All right.

PRESIDENT: All right, fine, Chuck.

MITCHELL: Good to see you.

PRESIDENT: How long were you in Florida? Just, uh --

1.1 TRANSCRIPT OF MARCH 22, 1973 MEETING

MITCHELL: I was down there overnight. I was four hours on the witness stand testifying for the government in these, uh, racket cases involving wiretapping. The God damn fool Judge down there let them go all over the lot and ask me any questions that they wanted to. Just ridiculous. You know, this had, all has to do with the discretionary act of signing a piece of paper that I'm authorized by the statute. There were twenty-seven hood lawyers that questioned me.

PRESIDENT: You know, uh, the, uh, you, you can say when I [unintelligible] I was going to say that the, uh -- [Picks up phone] Can you get me Prime Minister Trudeau in Canada, please. [Hangs up] I was going to say that Dean has really been, uh, something on this.

MITCHELL: That he has, Mr. President, no question about it, he's a very --

PRESIDENT: Son-of-a-bitching tough thing.

MITCHELL: You've got a very solid guy that's handled some tough things. And, I also want to say these lawyers that you have think very highly of him. I know that John spends his time with certain ones --

1.1 TRANSCRIPT OF MARCH 22, 1973 MEETING

PRESIDENT: Dean? Discipline is very high.

MITCHELL: Parkinson, O'Brien.

PRESIDENT: Yes, Dean says it's great. Well, you know I feel for all the people, you know, I mean everybody that's involved. Hell, is all we're doing is their best to [unintelligible] and so forth. [Unintelligible]. That's, that's why I can't let you go, go down. John?
It's all right. Come in.

DEAN: Uh --

PRESIDENT: Did you find out anything?

DEAN: I was, I went over to Ziegler's office. They have an office over there. Paul O'Brien'll be down here in a little while to see you. I'm going over to Ziegler's office and finish this up now.

MITCHELL: Are you coming back?

DEAN: Yes, I'll come back over here then.

MITCHELL: Okay.

PRESIDENT: Yeah. Well, when you come back -- he can, uh, is that office open for John now?

1.1 TRANSCRIPT OF MARCH 22, 1973 MEETING

DEAN: Yes.

PRESIDENT: Then he can go over there as soon [unintelligible] this. But, uh, the, uh, the one thing I don't want to do is to -- Now let me make this clear. I, I, I thought it was, uh, very, uh, very cruel thing as it turned out -- although at the time I had to tell [unintelligible] -- what happened to Adams. I don't want it to happen with Watergate -- the Watergate matter. I think he made a, made a mistake, but he shouldn't have been sacked, he shouldn't have been -- And, uh, for that reason, I am perfectly willing to -- I don't give a shit what happens. I want you all to stonewall it, let them plead the Fifth Amendment, cover-up or anything else, if it'll save it -- save the plan. That's the whole point. On the other hand, uh, uh, I would prefer, as I said to you, that you do it the other way. And I would particularly prefer to do it that other way if it's going to come out that way anyway. And that my view, that, uh, with the number of jackass people that they've got that they can call, they're going to -- The story they get out through leaks, charges, and so forth, and innuendos, will be a hell of a lot worse than the story they're going to get out by just letting it out there.

1.1 TRANSCRIPT OF MARCH 22, 1973 MEETING

MITCHELL: Well --

PRESIDENT: I don't know. But that's, uh, you know, up to this point, the whole theory has been containment, as you know, John.

MITCHELL: Yeah.

PRESIDENT: And now, now we're shifting. As far as I'm concerned, actually from a personal standpoint, if you weren't making a personal sacrifice -- it's unfair -- Haldeman and Dean. That's what Eisenhower -- that's all he cared about. He only cared about -- Christ, "Be sure he was clean." Both in the fund thing and the Adams thing. But I don't look at it that way. And I just -- That's the thing I am really concerned with. We're going to protect our people, if we can.

MITCHELL: Well, the important thing is to get you up above it for this first operation. And then to see where the chips fall and, uh, and, uh, get through this Grand Jury thing up here. Uh, then the Committee is another question. [Telephone rings] What we ought to have is a reading as to what is [telephone rings] coming out of this Committee and we, if we handle the cards as it progresses. [Telephone rings]

PRESIDENT: Yeah. But anyway, we'll go on. And, uh, I think in order -- it'll probably turn just as well, getting them in the position of, even though it hurts for a little while.

1.1 TRANSCRIPT OF MARCH 22, 1973 MEETING

MITCHELL: Yeah.

PRESIDENT: You know what I mean. People say, "Well, the President's [unintelligible]," and so forth. Nothing is lasting. You know people get so disturbed about [unintelligible]. Now, when we do move [unintelligible] we can move, in a, in a, in a, in the proper way.

MITCHELL: If you can do it in a controlled way it would help and good, but, but, but the other thing you have to remember is that this stuff is going to come out of that Committee, whether --

PRESIDENT: That's right.

MITCHELL: And it's going to come out no matter what.

PRESIDENT: As if, as if I, and then it looks like I tried to keep it from coming out.

MITCHELL: That's why it's important that that statement go up to the Committee.

PRESIDENT: [Picks up phone] Hello. I don't want to talk. Sure.
[Hangs up] Christ. Sure, we'll --

MITCHELL: It's like these Gray, Gray hearings. They had it five days running that the files were turned over to John Dean, just five days running -- the same story.

1.1 TRANSCRIPT OF MARCH 22, 1973 MEETING

PRESIDENT: Same story.

MITCHELL: Right.

PRESIDENT: The files should have been turned over.

MITCHELL: Just should have, should have demanded them. You should have demanded all of them.

PRESIDENT: [Unintelligible] what the hell was he doing as counsel to the President without getting them? He was -- I told him to conduct an investigation, and he did.

MITCHELL: I know.

PRESIDENT: Well, it's like everything else.

MITCHELL: Anything else for us to --

PRESIDENT: Get on that other thing. If Baker can -- Baker is not proving much of a reed up to this point. He's smart enough.

MITCHELL: Howard is smart enough, but, uh, we've got to carry him. Uh, I think he has and I've been puzzling over a way to have a liaison with him and, and, uh --

1.1 TRANSCRIPT OF MARCH 22, 1973 MEETING

PRESIDENT: He won't talk on the phone with anybody according to Kleindienst. He thinks his phone is tapped.

MITCHELL: He does?

PRESIDENT: Who's tapping his phone?

MITCHELL: I don't know.

PRESIDENT: Who would he think, who would he think would tap his phone? I guess maybe that we would.

MITCHELL: I don't doubt that.

PRESIDENT: He must think that Ervin --

MITCHELL: Maybe.

PRESIDENT: Or, or a newspaper.

MITCHELL: Newspaper, or, or the Democratic Party, or somebody. There's got to be somebody to liaison with Kleindienst to get in a position where -- It's all right from foreknowledge through Kleindienst.

1.1 TRANSCRIPT OF MARCH 22, 1973 MEETING

PRESIDENT: You really wonder if you take Wally Johnson and, uh --
He's a pretty good boy, isn't he?

MITCHELL: Yeah. [Unintelligible]

PRESIDENT: You might, you might throw that out to Dean. Dean says
he doesn't want to be in such a, such a public position.
He talked to the Attorney General [unintelligible] Wally
Johnson. And he said that --

MITCHELL: Well, he will be in the Department,

PRESIDENT: Yeah.

MITCHELL: talking to the Department.

PRESIDENT: [Unintelligible] Mansfield's down there --

MITCHELL: Everything else under control?

PRESIDENT: Yeah, we're all doing fine. I think, though, that
as long as, uh, everyone and so forth is a, uh --
[unintelligible] still [unintelligible]

MITCHELL: All of Washington -- the public interest in this thing,
you know.

PRESIDENT: Isn't Nash, [unintelligible] Earl Nash
worries the shit out of us here in regard, regarding
[unintelligible]

1.1 TRANSCRIPT OF MARCH 22, 1973 MEETING

MITCHELL: Just in time.

PRESIDENT: But the point is that, uh, I don't -- There's no need for him to testify. I have nothing but intuition, but hell, I don't know. I, but -- Again you really have to protect the Presidency, too. That's the point.

MITCHELL: Well this does no violence to the Presidency at all, this concept --

PRESIDENT: The whole scenario.

MITCHELL: Yeah.

PRESIDENT: No, it, uh, uh, d--, that's what I mean. The purpose of this scenario is to clean the Presidency. [Unintelligible] what they say "All right. Here's the report, we're going to cooperate with the Committee," and so forth and so on. The main thing is to answer [unintelligible] and that should be a God damned satisfactory answer, John.

MITCHELL: It should be.

PRESIDENT: Shouldn't it.

MITCHELL: It answers all of their complaints they've had to date.

PRESIDENT: That's right. They get cross-examination.

1.1 TRANSCRIPT OF MARCH 22, 1973 MEETING

MITCHELL: Right. They get everything but the public spectacle.

PRESIDENT: Public spectacle. And the reason we don't have that is because you have to argue

MITCHELL: They have to argue and --

PRESIDENT: on a legal and you don't want them to be, uh, used as a, uh, uh, for unfairly, to, to have somebody charged.

MITCHELL: It's our fault that you have somebody charged with not answering the Committee's questions [unintelligible] to John, make sure you put it in, make sure that you put it again in the argument, the clean record, and that's the reason why you have an executive session. Because the record that comes out of it is clean. But, uh, in areas of dispute --

PRESIDENT: I'd rather think, though, that all of their yakking about this, uh, we often said, John -- we've got problems.

MITCHELL: [Unintelligible]

PRESIDENT: Might cost them [unintelligible]. Think of their problems. They, those bastards are really -- they're just really something. Where is their leadership?

1.1 TRANSCRIPT OF MARCH 22, 1973 MEETING

MITCHELL: They don't have any leadership, and they're leaping on every new issue.

NOTE: At this point a portion of the discussion has been deleted.

3/22

12.2

1400

mtg? M-E + D?

They prob- re John Dean lied.

Puffball Kibitz re ride lead on Barker..
(called during the mtg)

rec: write exec. priv.
+ release Dean report

DV

2. On March 22, 1973, during the meeting specified in the preceding paragraph, the President telephoned Attorney General Kleindienst and spoke to him from 2:19 to 2:26 p.m. According to the White House log of meetings and conversations between the President and the Attorney General, except for the President's cabinet meeting on March 9, the last previous meeting or conversation between the President and Attorney General Kleindienst occurred on March 1, 1973. The President directed Kleindienst to be the Administration's contact with Senator Howard Baker in connection with the hearings to be conducted by the Senate Select Committee. He asked Kleindienst to give Senator Baker "guidance," to be "our Baker handholder," to "babysit him, starting in like, like ten minutes."

Page

2.1	Tape recording of meeting among the President, John Mitchell, H. R. Haldeman, John Ehrlichman and John Dean, March 22, 1973, 1:57 - 3:43 p.m., and House Judiciary Committee transcript thereof.....	214
2.2	Meetings and conversations between the President and Richard Kleindienst, March 22, 1973 (received from White House).....	215

2.1 TRANSCRIPT OF MARCH 22, 1973 MEETING

NOTE: SEE TRANSCRIPT PREPARED BY THE IMPEACHMENT
INQUIRY STAFF FOR THE HOUSE JUDICIARY COMMITTEE
OF A RECORDING OF A MEETING AMONG THE PRESIDENT,
JOHN MITCHELL, H.R. HALDEMAN, JOHN EHRLICHMAN
AND JOHN DEAN ON MARCH 22, 1973 FROM 1:57 TO
3:43 P.M., PAGES 108-211.

2.2 MEETINGS AND CONVERSATIONS BETWEEN THE PRESIDENT AND
RICHARD KLEINDIENST, MARCH 22, 1973

Richard Kleindienst

-3-

101544

February 2, 1973

1973
FEB
2

Swearing-In Ceremony for Cabinet and
Subcabinet -- Kleindienst attended

February 8, 1973

AM 8:00 9:51 Breakfast Meeting with Members of the
Cabinet -- Kleindienst attended

February 16, 1973

AM 9:39 9:44 Cabinet Meeting -- Kleindienst attended

March 1, 1973

AM 9:36 President received local call from Kleindienst
10:52 10:56 President placed local call to Kleindienst

March 9, 1973

AM 10:14 12:09PM Cabinet Meeting -- Kleindienst attended

March 22, 1973

PM 2:19 2:26 President placed local call to Kleindienst

March 23, 1973

PM 4:42 President placed long distance call to Kleindienst
4:59 5:12 President received long distance call from
Kleindienst

February 23, 1973

AM 10:08 10:52 President met with Kleindienst

3. On the morning of March 23, 1973 Judge John Sirica read in open court a letter that James McCord had written on March 19, 1973. The letter alleged in part that political pressure to plead guilty and remain silent had been applied to the defendants in the Watergate trial; that perjury had occurred during the trial; and that others involved in the Watergate operation were not identified when they could have been by those testifying. At this time, Judge Sirica deferred final sentencing of all defendants except Gordon Liddy. Judge Sirica stated that in imposing sentence he would weigh as a factor the defendants' cooperation with the ongoing Watergate investigations.

	Page
3.1 <u>United States v. Liddy</u> docket, March 23, 1973, 28-29.....	218
3.2 <u>United States v. Liddy</u> transcript of proceedings, March 23, 1973, 2-6, 33-40.....	220

CRIMINAL DOCKET

United States District Court for the District of Columbia

United States vs. GEORGE GORDON LIDDY, et al Cr. No. 1827-72 Supplemental Page No. 28

Date	PROCEEDINGS
1973Mar 12	#1, et al: NOTICE setting Friday, March 23, 1973, at 10:00 a.m., as date for sentencing of defts. Hunt, Barker, Martinez, Sturgis and Gonzalez, and for hearing of pending motions of defts. Liddy and McCord and in the event of denial of the motions, sentencing of these two defts. will also take place immediately following such denial. (N) SIRICA, C.J.
973Mar 15	#1, et al: LETTER dated 3-13-73 from Senator Sam J. Ervin, Jr., to Chief Judge Sirica in re grand jury minutes and sealed portions of transcript.
973Mar 20	#1: RECORD returned from USCA; receipt acknowledged. #3: RECORD returned from USCA; receipt acknowledged.
973Mar 21	#1, et al: ORDER authorizing search for weapons and other dangerous weapons by U.S. Marshal and/or his agents of any and all persons entering Courtroom on March 23, 1973. (N) SIRICA, C.J.
973Mar 23	AS OF MARCH 20, 1973: #3:(McCord): Letter dated 3-19-73 from deft to Judge Sirica, together with carbon copy of a letter written by deft to Walter Rugabee on 3-19-73 both of which were inserted in a white envelope 6"x4" bearing a type-written notation "Judge John J. Sirica-Personal" & with a pen & ink notation "J.W. McCord" appearing on reverse and/or sealing side which def delivered to Judge Sirica's chambers on 3-20-73, together with transcript of proceedings held in Judge Sirica's chambers thereafter, together with notes of Court Reporter Nicholas Sokal, ORDERED SEALED UNTIL FURTHER ORDER OF COURT.
973Mar 23	#3(McCord): Both sealed letters referred to in entry of 3-20-73, together with transcript of proceedings held in Judge Sirica's chambers (pages 1-11, incl. Nicholas Sokal, Court Reporter)(Court's Copy), ORDER UNSEALED IN OPEN COURT & FILED; stenographic notes returned to Mr. Sokal, Court Reporter. #3(McCord): MOTION of deft filed 3-8-73 for judgment of acquittal or alternatively for a new trial, heard & denied, Order to be presented.
(CONTINUED)	ON NEXT PAGE)

CRIMINAL DOCKET

United States District Court for the District of Columbia

United States vs. GEORGE GORDON LIDDY, ET AL Cr. No. 1827-72 - Supplemental Page No. 29

DATE	PROCEEDINGS
Mar 23	(CONTINUED FROM PREVIOUS PAGE)
	#3(McCord): Sentencing continued until 3-30-73.
	#1(Liddy): MOTION of deft filed by deft on 3-1-73 for judgment of a acquittal or alternatively for a new trial & to arrest judgment on the first count of the indictment, heard & denied; Order to be presented.
	#1(Liddy): SENTENCED: 20 months to 5 years & to pay a fine of \$10,000.00 on Count 1 (Conspiracy-18 USC 371);
	5 years to 15 years on Counts 2 & 3 (Burg.II - 22 DCC 1801b; said sentences to run concurrent with each other & concurrent with sentence imposed on Count 1;
	20 months to 5 years on each of Counts 4, 5 & 8 (Unlawful endeavor to intercept oral & wire communications- 18 USC 2511(1)(a), said sentences as to imprisonment under Counts 4 & 5 & 8 to run concurrent with each other & consecutive to sentences imposed under Counts 1, 2 & 3, but sentences as to the fines on Counts 4, 5 & 8 are to be cumulative; from foregoing sentences imposed, it is Court's intention that deft serve a total sentence of 6 years & 8 months to 20 years & to pay a fine of \$40,000.00; deft to stand committed until fine is paid or deft is otherwise released in accordance with law; remanded.
	#2,4,5,6,7(Hunt, Barker, Martinez, Sturgis & Gonzalez):COMMITTED pursuant to section 4208(b), 18 USC, for observation , study, report & recommendation.
	#2(Hunt): deft.committed; commitment issued.
	#4,5,6,7: Remanded.
L	SIRICA,C.J. Rep-N.Sokal 1-Peter L.Maroulis & Thomas a Kennelly,Attys
	2-William O. Bittman & Austin S.Mittler,Attys
	3-Gerald Alch & Bernard Shankman,Attys; 4,5,6,7- Daniel E.Schultz,Atty
ar 26	#1: ORDER denying motions of deft. filed 3-1-73 for judgment of acquittal or alternatively for a new trial. (N) SIRICA, C.J.
	#3: ORDER denying motion of deft. filed 3-8-73 for judgment of acquittal or alternatively for a new trial. (N) SIRICA, C.J.
	#1: JUDGMENT AND COMMITMENT of 3-23-73.
INUED)	

P R O C E E D I N G S

(Defendants present in court.)

THE COURT: Good morning.

I have a preliminary matter which we will consider before arguments on the motions and sentencing.

The defendant Mr. McCord sent a letter to me last Tuesday, March 20th, by way of a probation officer. In the presence of the probation officer, my two law clerks and the court reporter I opened the envelope and read into the record the two enclosures it contained. The letters and the transcript were then sealed until further order of the Court. I have considered this communication from Mr. McCord as a supplement to the presentence report in his case. I am now ordering unsealed those letters and the transcript of proceedings of March 20, 1973. They will be filed in the record. The two letters are brief and I will read them now for the benefit of counsel before we proceed further. Let me have the letter.

(The clerk unsealed the envelope and handed the contents to the Court.)

The first one I shall read is a copy of a letter dated March 19, addressed to Mr. Walter Rugaber of the New York Times, Washington, D.C.:

"Dear Mr. Rugaber:

"The New York Times issue of March 19, 1973, page 30 carries a story relative to an alleged strong-arm

activities attributed to Mr. Bernard Barker and associates by one Reinaldo Pico. In the article by juxtaposition my name is mentioned in connection with such activities.

"As I have telephonically advised your office after seeing the article I have no knowledge of or connection with any such strong-arm activities referred to in the article. Neither have I ever met Mr. Pico to my knowledge.

"You made no effort to contact my attorneys or me prior to publication of the article which I regret since we could have stated for publication what I just said above

Very truly yours,

James W. McCord, Jr."

The other letter dated March 19 on the letterhead of James W. McCord, Jr., 7 Winder Court, Rockville, Maryland, addressed to Judge Sirica states:

"Certain questions have been posed to me from your honor through the probation officer, dealing with details of the case, motivations, intent and mitigating circumstances.

"In endeavoring to respond to these questions, I am whipsawed in a variety of legalities. First, I may be called before a Senate Committee investigating this matter. Secondly, I may be involved in a civil suit; and thirdly there may be a new trial at some future date.

"Fourthly, the probation officer may be called before the Senate Committee to present testimony regarding what may otherwise be a privileged communication between defendant and Judge, as I understand it; if I answered certain questions to the probation officer, it is possible such answers could become a matter of record in the Senate and therefore available for use in the other proceedings just described. My answers would, it would seem to me, to violate my Fifth Amendment rights, and possibly my Sixth Amendment right to counsel and possibly other rights.

"On the other hand, to fail to answer your questions may appear to be non-cooperation, and I can therefore expect a much more severe sentence.

"There are further considerations which are not to be lightly taken. Several members of my family have expressed fear for my life if I disclose knowledge of the facts in this matter, either publicly or to any government representative. Whereas I do not share their concerns to the same degree, nevertheless, I do believe that retaliatory measures will be taken against me, my family, and my friends should I disclose such facts. Such retaliation could destroy careers, income, and reputations of persons who are innocent of any guilt whatever.

"Be that as it may, in the interests of justice, and in the interests of restoring faith in the criminal justice

Indistinct document retyped by
House Judiciary Committee staff

5

system, which faith has been severely damaged in this case,
I will state the following to you at this time which I
hope may be of help to you in meting out justice in this
case:

- "1. There was political pressure applied to the
defendants to plead guilty and remain silent.
- "2. Perjury occurred during the trial in matters
highly material to the very structure, orientation
and impact of the government's case, and to the
motivation and intent of the defendants.
- "3. Others involved in the Watergate operation were
not identified during the trial, when they could
have been by those testifying.
- "4. The Watergate operation was not a CIA operation.
The Cubans may have been misled by others into
believing that it was a CIA operation. I know
for a fact that it was not.
- "5. Some statements were unfortunately made by a
witness which left the Court with the impression
that he was stating untruths, or withholding
facts of his knowledge, when in fact only honest
errors of memory were involved.
- "6. My motivations were different than those of the
others involved, but were not limited to, or
simply those offered in my defense during the

Indistinct document retyped by
House Judiciary Committee staff

system, which faith has been severely damaged in this case. I will state the following to you at this time which I hope may be of help to you in making out justice in this case:

- "1. There was political pressure applied to the defendants to plead guilty and remain silent.
- "2. Perjury occurred during the trial in matters highly material to the very structure, orientation and impact of the government's case, and to the motivation and intent of the defendants.
- "3. Others involved in the Watergate operation were not identified during the trial, when they could have been by those testifying.
- "4. The Watergate operation was not a CIA operation. The Cubans may have been misled by others into believing that it was a CIA operation. I know for a fact that it was not.
- "5. Some statements were unfortunately made by a witness which left the Court with the impression that he was stating untruths, or withholding facts of his knowledge, when in fact only honest errors of memory were involved.
- "6. My motivations were different than those of the others involved, but were not limited to, or simply those offered in my defense during the

trial. This is no fault of my attorneys, but of the circumstances under which we had to prepare my defense.

"Following sentence, I would appreciate the opportunity to talk with you privately in chambers. Since I cannot feel confident in talking with an FBI agent, in testifying before a Grand Jury whose U.S. Attorneys work for the Department of Justice, or in talking with other government representatives, such a discussion with you would be of assistance to me.

"I have not discussed the above with my attorneys as a matter of protection for them.

"I give this statement freely and voluntarily, fully realizing that I may be prosecuted for giving a false statement to a Judicial official, if the statements herein are knowingly untrue. The statements are true and correct to the best of my knowledge and belief.

James W. McCord, Jr."

We will take a 20 minute recess and I will hear any comments from any attorneys on this.

(Brief recess taken at 10:10 a.m.)

in fact as a practical matter made the individual cooperation of any one of them impossible.

Secondly, despite the fact that prior to trial these four Defendants wished to plead guilty. It is a matter of record that their attorney prevented them from so doing and over their objection proceeded to make an opening statement in which he raised a defense for which there is no basis in law. In fact, though these four persons who in effect may be perhaps following orders retained this one attorney. As matters turned out they were his captives in a relative sense, if the Court please, we think though their guilt is clear their moral culpability is of a lesser degree.

Thank you.

THE COURT: All right, let the Defendants be seated.

Now with respect to the five Defendants who have entered guilty pleas, that is, Messrs. Hunt, Barker, Martinez, Sturgis, and Gonzalez, the Court finds that it requires more detailed information before it can make a final determination of the sentences to be imposed.

The Court will therefore implement, at this time, the provisions of Title 18 United States Code Section 4208(b)..

That section reads as follows:

"(b) If the Court desires more detail information as a basis for determining the sentence to be imposed the Court may commit the Defendant to the custody

of the Attorney General, which commitment shall be deemed to be for the maximum sentence of imprisonment prescribed by law, for a study as described in subsection (c) hereof. The results of such study, together with any recommendations which the Director of the Bureau of Prisons believes would be helpful in determining the disposition of the case, shall be furnished to the Court within three months unless the Court grants time, not to exceed an additional three months, for further study. After receiving such reports and recommendations, the Court may in its discretion: (1) Place the prisoner on probation as authorized by Section 3651 of this Title, or (2) affirm the sentence of imprisonment, and commit the offender under any applicable provision of law. The term of the sentence shall run from date of original commitment under this section."

Now the effect of the Court's ruling then is this:

First, each of you five Defendants now before me are provisionally committed for the maximum sentence of imprisonment prescribed by law for your offenses.

Second, a study will be conducted under the direction of the Bureau of Prisons. Within three months, the Court will be furnished with the results of this study together with any recommendations made by the Director of the Bureau of Prisons.

Should more than three months be required, the Court may grant time for further study up to an additional three months.

Third, once the studies with respect to each Defendant are completed and the Court has analyzed the information contained therein, the Court will make a final disposition of your cases.

The Court will have basically three alternatives:

(1) To affirm the sentence of imprisonment originally imposed, that is, the maximum sentence; (2) to reduce the sentence of imprisonment as the Court deems appropriate; or, (3) to place the Defendant on probation.

In any case, the terms of sentence will begin to run from the date of original commitment.

Now the fact that I am submitting the matter for further study does not mean that I have given little or no thought to a sentencing decision. The Court has already given a great deal of consideration to sentencing in each of your cases. I have carefully studied the presentence reports and the trial transcripts.

Among other things, I have taken into consideration, and will keep in mind, the fact that each of you voluntarily entered pleas of guilty.

On the other side of the scale is the fact that none of you have been willing to give the Government or other appropriate authorities any substantial help in trying this

case or in investigating the activities which were the subject of this case.

I think, under the case law, the Court is entitled to consider this fact in determining sentences.

For the record, I will cite two cases which discuss this aspect of sentencing: United States v. Sweig, 454 F.2d 181 (2nd Circuit 1972), and United States v. Vermeulen, 436 F.2d 72 (2nd Circuit 1970) certiorari denied 402 U.S. 911, by the Supreme Court.

I believe I may also properly suggest to you that in the interval between now and when the Bureau of Prisons studies are completed you give serious consideration to lending your full cooperation to investigating authorities.

Now I want to speak plainly about this matter. You will no doubt be given an opportunity to provide information to the Grand Jury which has been, and still is, investigating the Watergate affair and to the Senate / ^{Select} Committee on Presidential Campaign Activities.

I sincerely hope that each of you will take full advantage of any such opportunity. My sentiments in this regard are identical to those expressed on February 28th of this year by Judge Warren J. Ferguson, a United States District Judge in Los Angeles, California and a man for whom I have the highest admiration. Judge Ferguson has before him a matter which is, in many respects, analogous to this case. That proceeding grew

out of certain unlawful transactions revealed a few years ago involving a one-time sergeant major of the Army. This man and others pleaded guilty before Judge Ferguson on the 28th to an information charging them with fraud and corruption in the operation of the United States military clubs in parts of Europe, Viet Nam and the United States. At the time of the plea, Judge Ferguson made a statement which I am going to read now. He has stated the matter exceptionally well. I quote:

"There are various sentencing philosophies: To deter other people from committing crime, to deter the defendant himself from committing other crimes against the Government, to rehabilitate people and all of the other various philosophical reasons why judges sentence people.

"In this case, for various reasons which are not necessary for the Court to express from the bench, I am more concerned that the activities to which you have pled guilty will not occur in the future by any other sergeant of the Army, sergeant major of the Army, any master sergeant of the Army, or any staff sergeant of the Army or anybody else in the military system and I don't know whether or not the three of you are isolated incidents of the things to which you have pled guilty and whether or not it is the system which permitted this activity to take place.

270

"The things we say here, if I can paraphrase a great President, will not be long remembered. You and I are individuals and life is pretty slender and what I do to you basically is not going to affect other sergeant majors in the Army and another war that comes along in our future, and they will come. But I want to do all I can to insure that in future wars or future military operations that the system, the system itself, prohibits the conduct to which you have entered your guilty pleas. Because if that is accomplished, then there has been a benefit to the Government, really.

"I don't think the Government wants a pound of flesh out of you. That is very little benefit to the Government. That is very little benefit to society. That is very little benefit to anybody except an expression that society does not approve of the things you have entered your guilty pleas to. But you will pass on and there will be other people taking your place and Wooldridge will be forgotten about and Higdon will be forgotten about and nobody will remember Bass as individuals. There will be a flurry of publicity as a result of your guilty pleas, naturally, but in a week or so it will be forgotten about.

"But you see, I don't want it forgotten. So I have.

told your attorneys that the sentence that I will impose upon you -- and I am making no promise of leniencies; I want that clearly and positively understood; I am making no promise of leniency -- but the sentence I will impose will depend primarily on whether or not you cooperate with the permanent subcommittee on investigation of the United States Senate and if you are asked to testify and give evidence before that permanent subcommittee and if you testify openly and completely, regardless of what the implications are to yourself or to anyone else or to the system so that the branch of the Government which can take corrective action of the system is able to take action on the system so that this activity simply does not occur again, then I will take that into consideration because I want to see something beneficial to the Government come out of these proceedings.

"Now, I don't know what the subcommittee will do but I fully expect you to cooperate absolutely, completely and entirely with whoever from that subcommittee, whether it is a Senator or whether it is a staff investigator. Whoever it is who interrogates you, you will openly and honestly testify."

Now I believe that the Watergate affair, gentlemen, the subject of this trial, should not be forgotten. Some good

can and should come from a revelation of sinister conduct whenever and wherever such conduct exists. I am convinced that the greatest benefit that can come from this prosecution will be its impact as a spur to corrective action so that the type of activities revealed by the evidence at trial will not be repeated in our nation.

For these reasons I recommend your full cooperation with the Grand Jury and the Senate Select Committee. You must understand that I hold out no promises or hopes of any kind to you in this matter but I do say that should you decide to speak freely I would have to weigh that factor in appraising what sentence will be finally imposed in this case. Other factors will of course be considered but I mention this one because it is one over which you have control and I mean each one of the five of you.

In conclusion, the Court's aim is to acquire a thorough acquaintance with the character and history of the Defendants so as to be able to impose that sentence which most fully comports with justice in each individual case.

4. On the morning of March 23, 1973 members of the press attempted to question John Dean regarding Patrick Gray's testimony at his confirmation hearings on the previous day that Dean "probably lied" when he told FBI agents on June 22, 1972 that he did not know whether Howard Hunt had a White House office. Later in the morning of March 23 Dean was informed by Paul O'Brien, an attorney for CRP, that a letter from James McCord to Judge Sirica had been read in open court. Dean has testified that he then telephoned Ehrlichman to inform him of McCord's letter and that Ehrlichman stated he had already received a copy. In the early afternoon of March 23 the President telephoned Dean from Key Biscayne. Dean has testified that the President told him, "Well, John, you were right in your prediction." Dean has testified that the President suggested that Dean and his wife go to Camp David and get some relaxation, and that Dean analyze the situation and report back to him.

	Page
4.1 John Dean testimony, 3 SSC 1002-03.....	236
4.2 L. Patrick Gray testimony, SJC, Gray Nomination Hearings, March 22, 1973, 671.....	238
4.3 Meetings and conversations between the President and John Dean, March 23, 1973 (received from White House).....	239

1002

Senator Baker's staff was very desirous of a meeting to get guidance. It was at this point that the President called the Attorney General and told him that he should get up to meet with Senator Baker as soon as possible and get some of these problems regarding executive privilege and the turning of documents over resolved with the committee immediately. After the conversation with the Attorney General, there was a continued discussion of how to deal with the Ervin committee. I asked the President to excuse me from the meeting for a moment because I was working with Ziegler on a response to a statement that Gray had made. The President asked me what that was about and I then explained to him about Gray's statement. I told him what Gray had said and I also told him what the facts were. He excused me to use the telephone in his office and said that I should get that resolved as quickly as possible.

When I returned to the conversation with the President, Mitchell, Haldeman, and Ehrlichman, they were still talking about dealing with the Ervin committee. The President told me that the White House should start directly dealing with the committee and that I should go up and commence discussions with Senator Ervin as to the parameters of executive privilege.

I told the President that I did not think this would be wise because I was very much the party in issue with regard to the Judiciary Committee hearings and that it would be unwise for me to go to the Hill and negotiate my own situation. The President agreed and Ehrlichman said that he would commence discussions.

The meeting was almost exclusively on the subject of how the White House should posture itself vis-a-vis the Ervin committee hearings. There was absolutely no indication of any changed attitude and it was like one of many, many meetings I had been in before, in which the talk was of strategies for dealing with the hearings rather than any effort to get the truth out as to what had happened both before June 17 and after June 17.

Following this meeting with the President, it was apparent to me that I had failed in turning the President around on this subject, but Ehrlichman and Haldeman began taking over with regard to dealing with a new problem, which had become John Dean, as they were aware of the fact that I was very unhappy about the situation.

TRIP TO CAMP DAVID

On Friday morning, March 23, my house was surrounded by camera crews as a result of Gray's statement the day before, that I had "probably lied." Accordingly, I decided to wait until the camera crews departed before going to the office. It was midmorning when Paul O'Brien called to tell me about Judge Sirica's reading McCord's letter in open court. O'Brien gave me the high points of the letter as they had been reported to him by someone from the courthouse. He also told me that McCord had only hearsay knowledge. I then called Ehrlichman to tell him about it. He said he had a copy of the letter and read it to me. I asked him how he received a copy so quickly.

He responded: "It just came floating into my office." He asked me what I thought about it and I told him I was not surprised at all and repeated to him what O'Brien had told me that McCord probably had only hearsay knowledge. He asked me if I was in my office and

1003

I informed him that I was a prisoner of the press and would be in shortly.

After my conversation with Ehrlichman, the President called. Referring to our meeting on March 21 and McCord's letter, he said: "Well, John, you were right in your prediction." He then suggested I go up to Camp David and analyze the situation. He did not instruct me to write a report, rather he said to go to Camp David, "take your wife, and get some relaxation." He then alluded to the fact that I had been under—

Senator ERVIN. I will have to depart because I have less than 5 minutes to get over there. This is good training for running in the Olympics.

[Recess.]

Senator BAKER. Mr. Dean, we are not trying to hurry along but I stayed on the floor of the Senate until this rollcall began because in the last short rollcall vote Senator Weicker and I missed the vote and one or two others did, and so we are going to interchange in the interest of time. If you do not mind you might continue now.

Mr. DEAN. Thank you, Senator.

He then alluded to the fact that I had been under some rather intense pressure lately, but he had been through this all his life and you cannot let it get to you. He said that he was able to do his best thinking at Camp David, and I should get some rest and then assess where we are and where we go from here and report back to him. I told him I would go.

My wife and I arrived at Camp David in the midafternoon. As we entered the cabin in which we were staying, the phone was ringing. The operator said it was the President calling but Haldeman came on the phone. Haldeman said that while I was there I should spend some time writing a report on everything I knew about the Watergate. I said I would do so. I asked him if it was for internal use or public use. He said that would be decided later.

I spent the rest of the day and the next day thinking about this entire matter. I reached the conclusion, based on earlier conversations I had with Ehrlichman, that he would never admit to his involvement in the coverup. I did not know about Haldeman, but I assumed that he would not because he would believe it a higher duty to protect the President. The more I thought about it the more I realized that I should step forward because there was no way the situation was going to get better—rather, it could only get worse. My most difficult problem was how I could end this mess without mortally wounding the President. I had no answer, because I felt once I came forward the matter would be for the American people to decide, and not for me to decide. I finally concluded that I would have to think of some way for the President to get out in front of the matter, despite what happened to everybody else.

I called Mr. Moore and talked with him about it. We talked about a Presidential speech, where the President would really lay the facts out; we talked about immunity for everyone involved; we talked about a special Warren-type commission that would put the facts out; we talked about some half measures that might satisfy the public interest; but we both realized that nothing less than the truth would sell. As I mentioned earlier, Moore and I had talked about some of these con-

Senator BYRD. The next day Mr. Dean called you at 10:25 a.m., regarding leaks concerning material delivered to the FBI. What particular leak and what specific material did he have in mind?

Mr. GRAY. He was calling me then about those rumors that were continuing, as he put it, to the effect that the FBI was dragging its feet in this investigation and that a gun had been found in Mr. Hunt's effects. This was the subject of that call, as best as I can recollect it, sir.

Senator BYRD. On the same afternoon at 4:35 you called him. You state you have no recollection of the substance of that call. Could it have been with respect to Mr. Hunt's properties?

Mr. GRAY. No, I do not think it was. I covered that pretty thoroughly in that morning call. That is why I am sure it isn't. I have tried to remember it. It could have been on leaks, it could have been on toll call records, or it could have been on witness interviews, but I just don't know.

Senator BYRD. Going back to Mr. Dean, when he indicated that he would have to check to see if Mr. Hunt had an office in the Old Executive Office Building, he lied to the agents; didn't he?

Mr. GRAY. I would say looking back on it now and exhaustively analyzing the minute details of this investigation, I would have to conclude that that probably is correct, yes, sir.

Senator BYRD. Now, you just conclude that at this point.

How about on the 27th, the day after—

Mr. GRAY. No, sir. No, sir, there were none of us that discussed it in that time frame. We did not even consider it. We didn't think about it.

Senator BYRD. I cannot for the life of me, with all due respect to you, imagine how these things would not have occurred to you in the face of the chain of events that are on the record.

Mr. GRAY. We are looking at it in hindsight, Senator Byrd.

Senator BYRD. I am talking about the 27th—looking back on the 19th and the 22d of June.

Mr. GRAY. I think you have to place it in the proper perspective as we looked at it with a fast moving, fast-paced investigation, with events and reports and details coming in. I am saying to you that it did not occur to us then. We were concerned at the time about the chain of custody. There is no question about that.

Senator BYRD. Mr. Gray, hindsight is a very useful agent. Let's take hindsight for a moment. You indicated that Mr. Dean probably lied to the FBI agents as you now look back, yet yesterday you said you would continue to send to him raw FBI files if he requested them. Why would you now continue to send raw FBI files to an individual who probably lied, to use your words, to an FBI agent?

Mr. GRAY. Well, Senator Byrd, I think that you have got to realize once again that I am a Bureau Chief in an executive department of the Government, that I have to take orders from somebody, that I do report to somebody, that I am just not out there in the open, you know, independent and doing exactly as I please, and that man is Counsel to the President of the United States.

Senator BYRD. I recognize all this.

Mr. GRAY. I think you know that his first duty—I would like, if I may, to let the record clearly show that I have testified that his first duty was to the President of the United States in connection with the

4.3 MEETINGS AND CONVERSATIONS BETWEEN THE PRESIDENT AND JOHN DEAN,
MARCH 23, 1973

WH

March 21, 1973

AM 10:12 11:55 President met with Mr. Dean in the Oval Office.
Mr. Haldeman was also present for at least
part of the time.

PM 5:20 6:01 President met with Mr. Dean in the President's
EOB office. Also present were:
Mr. Ziegler (departed at 5:25)
Mr. Haldeman
Mr. Ehrlichman (5:25-6:01) 101530
✓ Gen. Scowcroft (5:27-6:05)

March 22, 1973

PM 1:57 3:43 President met with Mr. Dean in the President's
EOB Office. Also present were:
Mr. Ehrlichman (2:00-3:40)
Mr. Haldeman (2:01-3:40)
Mr. Mitchell (2:01-3:43)

March 23, 1973

PM 12:44 1:02 President talked long distance with Mr. Dean.
(The President initiated the call from Florida
to Mr. Dean who was in Washington, D. C.)

3:28 3:44 President talked long distance with Mr. Dean.
(The President initiated the call from Florida
to Mr. Dean who was in Camp David, Md.)

No contact during the period April 1-14

April 15, 1973

PM 9:17 10:12 President met with Mr. Dean in the President's
EOB Office.

March 22: Deleted -- (Mr. Dean was scheduled to attend the President's
staff briefing in the EOB Briefing Room which
the President attended from 8:44-9:03. Attendance
was not confirmed on this briefing.)

WH

5. On March 23, 1973 the President telephoned Patrick Gray at 1:11 p.m. According to the President's logs the last time the President had spoken to Gray was on February 16, 1973. Gray has testified that he cannot remember the President's precise words, but that the call was a "buck up call" in which the President told Gray that he knew the beating Gray had taken at his confirmation hearing; that it was very unfair; and that there would be another day to get back at their enemies. Gray has testified that he remembered distinctly that the President said to him, "You will remember, Pat, I told you to conduct a thorough and aggressive investigation." Gray also has testified that from March 21 on he received no order from the President or anyone implementing a Presidential directive to get all the facts with respect to the Watergate matter and report them directly to the President.

	Page
5.1 Meetings and conversations between the President and L. Patrick Gray, March 23, 1973 (received from White House).....	242
5.2 L. Patrick Gray log, March 23, 1973 (received from SSC).....	243
5.3 L. Patrick Gray testimony, 9 SSC 3489-91, 3506-07.....	244

101538

WH

MEETINGS AND TELEPHONE CONVERSATIONS BETWEEN
THE PRESIDENT AND L. PATRICK GRAY

(June 15, 1972 to April 30, 1973)

July 6, 1972

AM	8:28	8:33	President placed long distance call to L. Patrick Gray
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November 22, 1972

AM	10:41	10:42	President placed long distance call to L. Patrick Gray
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February 16, 1973

AM	9:08	9:38	President met with L. Patrick Gray (Ehrlichman 9:08 - 9:38)
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March 23, 1973

PM	1:10	1:24	President placed long distance call to Gray
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April 5, 1973

PM	3:08	3:18	President received long distance call from Gray
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April 27, 1973

AM	11:00		President received local call from Gray -- Larry Higby took call
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DR

DAILY LOG
DIRECTOR'S OFFICE
FEDERAL BUREAU OF INVESTIGATION

FILE _____

DATE Friday, March 23, 1973

Time	Caller	VIA	Action	Initials
9 ³²	MISS ETHEL L. MORIARTY	PER	SAW MR. GRAY	RET
	BUREAU PHOTOGRAPHER			
9 ³⁵	SA FREDERICK H. FREUND, JR.	PER	SAW MR. GRAY	RET
	" WIFE			
	BUREAU PHOTOGRAPHER			
9 ³⁵	MISS DOLA PALMER	PER	SAW MR. GRAY	RET
	BUREAU PHOTOGRAPHER			
9 ⁴²	MR. JOHN H. CARPENTER	PER	SAW MR. GRAY	RET
	BUREAU PHOTOGRAPHER			
9 ⁴⁴	MR. RALPH ERICKSON	TELE	SPOKE TO MR. GRAY	RET
11 ⁰⁰	MR. GRAY	TELE	SAC J.F. SANTOIANA, JR., TAMPA - SPOKE	RET
11 ²³	MR. GRAY	TELE	ADIC JAMIESON, LOS ANGELES - SPOKE TO SAC LARSON	RET
12 ³³	MR. KINLEY, MR. LICHENSTEIN, MR. FULT, MR. CALLAHAN, MR. CLEVELAND, MR. SOYARS & MR. WILKES	PER	LUNCH WITH MR. GRAY	RET
1 ¹¹	PRESIDENT NIXON	TELE	SPOKE TO MR. GRAY	RET
2 ⁰³	MR. JACK MUSHEN	TELE	SPOKE TO MR. GRAY	RET
2 ¹¹	MR. LICHENSTEIN	PER	SAW MR. GRAY	RET
9 ³¹	Office Closed			RET

DIRECTOR:

IN - 7³⁰IN - 9³⁰

IN -

IN -

IN -

OUT - 8²⁰ AG's
OFFICEOUT - 2⁴⁷

OUT -

OUT -

OUT -

3489

to question at this time to Senator Weicker, in which case Senator Weicker will not be subject, since he is exercising counsel's time, will not be subject to the 10-minute rule.

Senator WEICKER. Thank you, Mr. Chairman.

Mr. Gray, I would like to, if I could, just set the background prior to this questioning because of certain comments that have been made relative to our relationship, the fact that I look upon you as I do because of a longstanding friendship, et cetera.

Prior to 1969 when I came to Washington, at which time you came to serve Mr. Finch or with Mr. Finch, had you and I ever met?

Mr. GRAY. No, sir.

Senator WEICKER. Have you been in my house or I in yours in a social sense aside from the meeting that we had in my home relative to this matter here?

Mr. GRAY. No, sir, I didn't even know who you were. [Laughter.]

Senator WEICKER. And the positions that you were offered in the administration, these weren't positions that I recommended you for but rather positions that came about in your relationships with the administration, is that correct?

Mr. GRAY. Yes. I didn't even know you, Senator Weicker, and I made no request of you and the only reason I got into the administration at all was through Bob Finch and I had to labor mightily even to get in and come back here and serve my country at a tremendous financial sacrifice.

Senator WEICKER. It is true, however, that since the matter of Watergate has arisen and problems associated thereto that you and I have had increasing frequency of contact.

Mr. GRAY. Yes, Senator Weicker, that is correct.

Senator WEICKER. Now, I would like to read to you, if I might, Mr. Gray, a portion of the President's statement of April 30, 1973, specifically that portion which states:

Until March of this year I remained convinced that the denials were true and that the charges of involvement by members of the White House staff were false. The comments I made during this period and the comments made by my press secretary in my behalf were based on the information provided to us at the time we made those comments. However, new information then came to me which persuaded me that there was a real possibility that some of these charges were true, and suggesting further that there had been an effort to conceal the facts both from the public, from you, and from me. As a result, on March 21 I personally assumed the responsibility for coordinating intensive new inquiries into the matter and I personally ordered those conducting the investigations to get all the facts and to report them directly to me right here in this office.

My first question to you, in light of the President's statement of April 30, where he states that on March 21 he personally assumed the responsibility for new inquiries and personally ordered those conducting the investigations to "get all the facts and report them directly to me right here in this office." My first question is: Did you ever receive after March 21 or from March 21 on a directive from the President of the United States relative to these Watergate matters, which directive inquired of you as to what your investigations were producing, sir?

Mr. GRAY. No, sir. The President did telephone me on March 23 and this was the typical buck-up type of call——

3490

Senator WEICKER. May I stop here for 1 minute, Mr. Gray? Was the FBI investigating—were they still involved in investigations of Watergate in March?

Mr. GRAY. Yes; because it was due to the action that I took—I tried to take it in October and I did take it in December to get us into the activities that were political in nature, you might say. They involved the activities of Mr. Segretti and to the best of my knowledge, information and belief, and I believe that I have exhibits before this committee which indicate all of what I am saying right now, Senator Weicker, we were at that time still investigating.

Senator WEICKER. And you received from March 21 on—we will get to the phone conversation in a minute—no order from the President as one who was conducting the investigation “to get all the facts and to report them directly to me,” the President, “right here in this office”?

Mr. GRAY. I did not, sir, and I received no such order from anybody.

Senator WEICKER. All right.

Now, would you please tell the committee as to what happened in the phone call of March 23?

Mr. GRAY. The March 23 phone call from the President, once again, it was a surprise to me. I did not really expect to see it. That followed the testimony I had given on March 22 and which in response to a question from Senator Byrd I had said that Mr. Dean had probably lied when he was talking with our agents and the way the questions were phrased by Senator Byrd there was no other answer I could give. But the President called me on March 23 and it was in the nature of a buck-up call to say, and I cannot remember his precise words, but to say I know the beating that you are taking up there and it is very unfair and there will be another day to get back at our enemies and there will always be a place for you in the Nixon administration, and I thanked the President and then I remembered distinctly him saying, “You will recall, Pat, that I told you to conduct a thorough and aggressive investigation,” and I remembered that so distinctly because I had the eerie feeling that this was being said to me but why, and I related it immediately to the July 6 telephone conversation I had had with the President in the previous year.

Senator WEICKER. Now, the July 6 telephone conversation as I recall, this one emanated from the west coast, is that correct?

Mr. GRAY. Yes, sir. That is the one that I testified to in my statement.

Senator WEICKER. Do you have any understanding as to where the March 23 phone call emanated from?

Mr. GRAY. No, sir, I do not know. I do not know as of this day and maybe I do not know if my telephone logs would show on March 23. We can take a look but I do not know of my own independent recollection right now.

Senator WEICKER. But you do recall the nature of the conversation. It was, No. 1, to buck you up in relation to your confirmation hearings, and having done that, the President turned to you and said, “You will remember, Pat—our previous conversation?”

Mr. GRAY. No; he just said, “You will remember, Pat, I told you to conduct a thorough and aggressive investigation.”

My daily log, which was presented before this committee, for Friday, March 23, 1973, shows that at 1:11 p.m., on that day “President Nixon telephoned and spoke to Mr. Gray.” That would indicate

to me that that telephone conversation was made in Washington, since there is no reference at all to San Clemente or Key Biscayne and normally the people who kept this log would make such references.

Senator WEICKER. Now, Mr. Gray, I would like to move along, if we can, to the events of April, more specifically those events which commenced with your telling me of the burning of the files in your office on April 25. I think that has been gone into in detail. If there is anything you want to add, any further question, I am sure they will develop that, but I would like to move from April 25 to the afternoon of April 26 and have you recount to the committee in your own words what transpired in the late afternoon of April 26.

Mr. GRAY. Well, Senator Weicker, it was after 6 o'clock in the evening when I was leaving and I believe it to be somewhere between 6:15 and 6:30 and I was driving out the gate and the police officer there, of the GSA security force, Officer Cousin, whom I used to say hello to every night as we drove out, exchanging a few pleasantries, said to me that Mr. Petersen had called and it is urgent and you are to call him right away, and I got out of my car and I walked into the guard booth there and I telephoned Mr. Petersen and Mr. Petersen said that he had had a call from the Attorney General, Attorney General Kleindienst, and Attorney General Kleindienst wanted to meet with us in his office at 7 p.m. Mr. Petersen said he was calling from the golf course and was coming in directly from the golf course and it was about the stories and rumors that were on the media circuit that the files had been burned. And I said, fine, I will go back up to my office and wait a while, and I asked my driver, Special Agent Thomas Mote, who is also a good friend of mine, to park the car and wait for me, and I went on up to the office and at about 7:15 p.m. I walked over to the Attorney General's office and I found the main door locked and I walked to what we call an alcove door that leads almost directly into his own private office and I can remember pulling out my key and the door was open. I did not have to use my key. And I walked right in, walked through the conference room, walked into the secretary's area and picked up the phone, called Mr. Petersen and told him that I was here in the Attorney General's office and just then the Attorney General walked in—I could hear his footsteps—and I told Mr. Petersen the Attorney General walked in, come on up, and I went back immediately and the Attorney General said to me the President had called him and is concerned about the reports that these files were burned and that we had to meet and make some recommendation to the President.

By then Mr. Petersen had come up. We both sat in chairs in front of the Attorney General's desk and I told them that I had spoken with you. I did not say to them that you had talked to the press, even though you had told me that you did. You said to me you are probably going to be the angriest man in the world at me for talking to the press and I told you, no, you ought to be the angriest man in the world at me. I did not say that you had given this information to the press but I said I believe that Senator Weicker knows all about this because I have spoken to him.

Then Mr. Kleindienst said let's have a drink. [Laughter.] And Mr. Petersen and Mr. Kleindienst and I all went into a little private office off of his main office and Mr. Kleindienst fixed a drink for himself and Mr. Petersen and I do not drink and I just sat there in an over-

3506

Senator INOUE. In all the years that you have served in the Navy, did any superior officer request of you an illegal act?

Mr. GRAY. That is a pretty broad question, Senator Inouye, and I am trying to think very hard. I am thinking of some wartime operations and thinking of some of the things we did. They could be classed as illegal, perhaps. And I am thinking particularly when I commanded a submarine during the Korean war. But—

Senator INOUE. And you followed those orders implicitly without questioning?

Mr. GRAY. Well, you know, Senator Inouye, you are getting me to the point where I am going to have to tell you what those orders are and those are very, very sensitive orders.

Senator INOUE. What I am trying to say, did you feel a bit strange that the President was requesting you to do something which was rather illegal?

Mr. GRAY. No, I haven't testified that the President was requesting me to do that. That hasn't been the thrust of my testimony.

Senator INOUE. You have testified that you had assumed that the orders had come from the Chief Executive?

Mr. GRAY. That I assumed that these men are acting within the color of their office and within their authority, absolutely there is no question about that.

Senator INOUE. And you didn't think it was strange for the President through his subordinates to ask you to commit an illegal act?

Mr. GRAY. I think that I may have testified earlier that if I had stopped then and there and said, I want in writing from the President of the United States to do this, that I wouldn't have gotten it; but I didn't have that thought at that time, Senator Inouye; there was no reason for me to have that thought at that time, I was not that suspicious.

Senator INOUE. Was this the practice that has been referred to as deniability?

Mr. GRAY. Sir, I don't know because I don't know about that practice of deniability. I know what it refers to, I know it refers to earlier testimony here, but I had never heard that utilized within the Department of Justice.

Senator INOUE. Now, on March 23 of this year you had a conversation, a telephone conversation with the President. And you have just testified that when the President said, "Pat, remember, I told you to conduct a thorough investigation," you said you had an eerie feeling.

What did you mean by that?

Mr. GRAY. Yes, I thought he was trying to put that on the record, so to speak, relating all the way back to the July 6 conversation.

Senator INOUE. Are you suggesting that the President was putting this on tape?

Mr. GRAY. You know, at the time, Senator Inouye, I didn't know that these conversations were being taped but, nevertheless, I had that eerie feeling that the President is reminding me of something and why. That was my reaction. But at that time I didn't know that these were on tape.

Senator INOUE. Further elaborate on the eerie feeling.

Mr. GRAY. Sir?

Senator INOUE. Can you further elaborate on the eerie feeling?

3507

Mr. GRAY. No, it was just that I had the feeling that I was being reminded of something and the only thing that I could think of was the July 6 telephone conversation.

Senator INOUE. You said reminding you of something to place it on the record. Is that what you said?

Mr. GRAY. Yes.

Senator INOUE. And what came to your mind at that point?

Mr. GRAY. The prior conversation that the President had had with me.

Senator INOUE. I have just one final question.

This may sound like a very ridiculous question, but three articles have been written suggesting that the December 8 plane crash in Midway Airport in Chicago was not just an ordinary plane crash, and that there were some insidious activities involved.

People have suggested that there were certain passengers with cyanide in their system and that the FBI had refused to investigate this.

Are you aware of these articles?

Mr. GRAY. I hesitate to say "No" to you because I may have read of them, but when you say, Senator, "cyanide in their system," I am quite sure I haven't read of that one and I am equally certain that there was no refusal on my part as acting director of the FBI to investigate that. I don't know that the matter did come up. I would have to check to see whether or not a request was made.

Senator INOUE. Did you request that the Midway crash—

Mr. GRAY. Did I? Did the FBI? I do not know. I cannot answer that question. Usually a crash like that is investigated first by, it is my understanding that it is investigated first by the National Transportation Safety Board but I would have to check FBI records to see—

Senator INOUE. Wasn't the FBI a bit curious when one of the passengers happened to be Mrs. E. Howard Hunt with \$100 bills in her possession?

Mr. GRAY. I don't know whether the FBI was a bit curious or not. I can't really answer that question.

Senator INOUE. It was on the front pages of most of the papers of the United States.

Mr. GRAY. I realize that. I am aware of that. And the only thing I can say to you is at that period of time I was still hospitalized in Connecticut and I don't know whether a directive came over for the FBI to interview or not interview. I really don't.

Senator INOUE. Now, you rifled through these papers, I just wanted to give you time to think about this. Can you recollect as to the contents of those other papers in the Hunt file?

Mr. GRAY. The only recollection I have of those, Senator Inouye, is that they were onion skin copies of correspondence, that is what they appeared to be to me.

Senator INOUE. After reading the Diem cablegram you were not curious about the other papers?

Mr. GRAY. No, sir; I was not and I did not read them or I would testify today to you what was in them. I wish I could. If I may I would like to correct one thing at least in my testimony. You know when I took that action I didn't consider that to be an illegal action at the inception or at the end, Senator Inouye, on my part, and I still don't.

6. On March 23, 1973 the President met with H. R. Haldeman in Key Biscayne, Florida from 1:25 to 1:45 p.m. and from 2:00 to 6:30 p.m. Haldeman has testified that on March 23 the President told him that he had been informed about the McCord letter and its contents, and that the President asked Haldeman to call Charles Colson to ask if Colson had ever offered Howard Hunt clemency or had any conversation with Hunt about clemency. Haldeman telephoned Colson some time before 2:15 p.m. on March 23 and asked what commitment Colson had made to Howard Hunt with respect to the commutation of his sentence. Colson reported to Haldeman on this matter. Immediately after this conversation Colson dictated a memorandum of the conversation for the file. Colson's memorandum states, in part, that he told Haldeman that he made no representations nor used any one else's name in the conversation; that he had only told Hunt's lawyer that as long as he was around he would do anything he could to help Hunt. Colson's memorandum states that Haldeman asked what would happen if Hunt "blew" and that Colson replied that "it would be very bad" and that Hunt "would say things that would be very damaging." Colson's memorandum states that Haldeman replied, "then we can't let that happen."

Page

6.1	Meetings and conversations between the President and H. R. Haldeman, March 23, 1973 (received from White House).....	250
6.2	H. R. Haldeman testimony, 8 SSC 3075-76.....	251
6.3	Charles Colson draft statement prepared for delivery to the SSC, September 1973, 1, 41-43.....	253
6.4	Memorandum for the file from Charles Colson, March 23, 1973 (received from SSC).....	257

6.1 MEETINGS AND CONVERSATIONS BETWEEN THE PRESIDENT AND H.R. HALDEMAN,
MARCH 23, 1973

H. R. Haldeman

-58-

March 20, 1973

AM	10:47	12:10PM	President met with Haldeman Ehrlichman	11:40 - 12:10
PM	6:00	7:10	President met with Haldeman	

March 21, 1973

AM	10:05	11:55	President met with Haldeman John Dean	10:12 - 11:55
PM	3:02	3:03	President received local call from Haldeman	
	3:05	3:45	President met with Haldeman	
	5:20	6:01	President met with Haldeman	
			Ziegler	4:53 - 5:25
			Dean	5:20 - 6:01
			Ehrlichman	5:25 - 6:01
			Scowcroft	5:27 - 6:05
	6:25	6:30	President placed local call to Haldeman	

March 22, 1973

101542

AM	8:44	9:03	President attended a briefing on foreign and domestic policy for members of the Sub-Cabinet and commissioned WH Staff members -- Haldeman attended	
	9:08	9:09	President received local call from Haldeman	
	9:11	10:35	President met with Haldeman	
PM	2:01	3:40	President met with Haldeman	
			Dean	1:57 - 3:43
			Ehrlichman	2:00 - 3:40
			Mitchell	2:01 - 3:43

March 23, 1973

PM	1:10		President placed local call to Haldeman	
	1:25	1:45	President met with Haldeman	
	2:00	6:30	President met with Haldeman	
			Ziegler	3:25 - 6:30

3075

Mr. THOMPSON. And he told that to the President, too, as best you can remember?

Mr. HALDEMAN. Yes, I think he did.

And then he, I believe, said that his concern, as far as the White House was concerned, as far as the White House was involved in the pre-June 17 area, was in two possibilities. One, that there had been a phone call from Colson to Magruder which could have been considered or could be construed as pressure by Colson on Magruder to go ahead with this project. He, I do not think, went into any real specifics on that, and the other point was the question of whether Haldeman had seen the, as he called them, I think, the fruits of the bugging activity, because it was his understanding that the fruits had been sent to Strachan.

Mr. THOMPSON. What was the basis of his understanding?

Mr. HALDEMAN. I do not know that he identified a basis, I do not recall that he did. I think he simply said it.

Mr. THOMPSON. Did he at any time subsequent to that talk to you about where he was getting his information, where he got his information, that you possibly might have seen the fruits of some of this surveillance activity?

Mr. HALDEMAN. I think at that very—it is hard to put this into when, but he had told me that Magruder had told him that he had sent bugging material to Strachan.

Mr. THOMPSON. Did he tell you that Strachan had said anything to him about his receiving such material?

Mr. HALDEMAN. No; the only recollection I have as far as Strachan is concerned, is that he had consistently said that he had not received such material.

Mr. THOMPSON. All right. Does that pretty well cover the pre-June 17 discussion?

Mr. HALDEMAN. Those two points were basically it, as far as pre-June 17.

Mr. THOMPSON. What about post-June 17?

Mr. HALDEMAN. Post-June 17, he said that there were also two areas of concern. That one was clemency and the other was money, and in the clemency area where he felt there was a potential problem was this—the fact that, as he put it, at that time, as best I can recall, Colson had talked with Hunt or Bittman about clemency. There had been a conversation, I do not think he went any further than that, I do not think he asserted that there had been any offer or anything of that sort, simply that there had been a conversation.

Mr. THOMPSON. Was there any mention at any time, either in your presence or out of your presence that you heard from the tape, about Colson's offering Hunt Executive clemency, or possibly relaying a message that he could expect it through someone else?

Mr. HALDEMAN. Well, there was in the sense that on March 23 when I got to Key Biscayne, the President had gone down the day before, the President called me over to his house and he then having read the McCord letter—he had not read it but had been given, had been told of the reading of the McCord letter, and the allegations that were contained in that, had raised the point with me that here we were with new ongoing developments on the Watergate and the White

3076

House was still not moving ahead to get this thing cleared up, and he had picked up facts from Dean and he had information from Dean that he was concerned about, and he specifically asked me to call Colson and to ask him about this question of whether he had offered clemency or had any conversation regarding clemency with Hunt.

Mr. THOMPSON. All right. All of this that you have been relating, is from the tape, as I understand it?

Mr. HALDEMAN. No; no, sir, not by March 23 has nothing to do with it.

Mr. THOMPSON. I am sorry, I am not talking about March 23; I will just jump back a little bit.

Mr. HALDEMAN. Yes; anything that I am talking about in terms of the March 21 meeting in the morning is—

Mr. THOMPSON. From the tape?

Mr. HALDEMAN [continuing]. Is of necessity from the tape, yes.

Mr. THOMPSON. You are talking about a personal conversation with the President on the 23d?

Mr. HALDEMAN. That is right. You asked if there had been any conversation after that.

Mr. THOMPSON. Yes, sir.

Mr. HALDEMAN. Of course, there wasn't—I don't recall any conversation after that in the March 21 meeting if that is what you meant and I am sorry, I didn't understand that to be your question.

Mr. THOMPSON. What about during the 21st meeting?

Mr. HALDEMAN. I am sorry, about what?

Mr. THOMPSON. Was there any mention at any time in the 21st meeting which you participated in or part of the meeting which you did not, of the general subject matter of Colson, or anyone else, having offered Hunt Executive clemency?

Mr. HALDEMAN. That is the point I just said. Dean did report to the President that one of his two post-June 17 concerns was clemency, and that in that regard the reason for his concern was that it was his understanding that Colson had talked with Hunt or with Bittman about clemency.

Mr. THOMPSON. All right.

The discussion of the 23d, of course, followed that, along the same line?

Mr. HALDEMAN. Yes, sir.

Mr. THOMPSON. You have already mentioned the so-called blackmail point that was discussed.

Mr. HALDEMAN. That is right, which was cited as an example of the problem of money.

He also—that was the most recent example—he did describe to the President some background in the sense of money for defendants, that there had been an effort, in fact, money had been obtained and provided to the defendants, and I am virtually certain that he said that this was for legal fees. In other words, let me put it the other way, I do not recall in that meeting either when I was there or at any time prior to when I came in, but what I heard from the tape, any reference to money being supplied for defendants' silence.

Mr. THOMPSON. But only what you have related.

What did you hear on the tape concerning the Ellsberg matter?

Opening Statement of Charles W. Colson
Before Select Committee on Presidential
Campaign Activities, United States Senate

I appreciate the opportunity to present this opening statement to your Committee. I shall first attempt to the best of my recollection to recount my knowledge of the events surrounding the Watergate Affair.

I will also attempt, if I may, to give this Committee some insight into the mood and atmosphere which existed in the White House during the Nixon years. I have followed your proceedings to date; it is clear that you are seeking to determine not only what in fact happened, but why and how these things could have happened.

AS TO THE FACTS:

I first heard that there had been a burglary at the Democratic National Committee headquarters on the radio. It was Saturday, June 17, 1972. I thought it was no more than an ordinary burglary -- one more addition to the D. C. crime

probably learn I had recommended to the President the appointment of an independent special counsel, I would rather have him hear it directly from me. I therefore told him of the recommendation.

Mr. Dean has testified before this Committee that he was on that day very disappointed that the President had decided, as he put it, not to act. Yet his response to me that evening was that the appointment of a special counsel would "never work". He said the only way it could possibly work would be to have the special counsel "reporting to him", that is, Dean. I told John Dean that that would never work, that the President had to have a counsel who had not been involved in any way, who had no personal interest, and who was completely free to get all the facts and recommend whatever had to be done to clean up the mess. Mr. Dean's reaction to my proposal was not that of a man seeking a solution or a way for the President to get to the truth but rather the reaction of a man desperately seeking to retain control of the investigation. I now realize why Mr. Dean would not want an independent counsel appointed; he would have been exposed.

On the next day, March 23, Bob Haldeman called to ask what representations I had made to Howard Hunt with respect to the commutation of his sentence. I told him

I had made no such representations, that I had not seen Hunt since before the Watergate, that I had seen his lawyer on two or three occasions, but no commitment of any kind had ever been made. I told him that I had met with Mr. Bittman in early January and had given only a general expression of sympathy, that I had assured Mr. Bittman I would do anything I could to help Howard Hunt. I told Mr. Haldeman further that I had written a memorandum to the file and had advised Messrs. Ehrlichman and Dean fully.

He asked whether I had ever met McCord or had anything to do with him. I had not and told him so.

Mr. Haldeman then asked me about the phone conversation I had had with Jeb Magruder in February of 1972. He said that Magruder was contending that he had been "ordered to get the operation started by you" or words to that effect. I told Bob that that was untrue, that I had never been able to order Magruder to do anything. I also said that it was strange that Jeb Magruder would now be remembering the phone conversation, that it had never come up before, and that I doubted that Magruder honestly believed I was urging him to do anything with respect to Watergate or anything like it. I also explained to Mr. Haldeman that I had described this conversation in a memo to the file of June 20. I told him I had sent the

memo to Mr. Dean on August 29 and Dean had told me to destroy it.

We also discussed the question of executive privilege and the question of all White House aides voluntarily appearing before the Grand Jury. Mr. Haldeman said that he was concerned that the President not appear to be covering up. A copy of my memorandum to the file regarding this conversation with Mr. Haldeman has been furnished to the Committee staff. The more I reflected upon Mr. Haldeman's question regarding my phone call to Magruder over a year earlier, the more apprehensive I became. Was someone now going to use this innocent call as a means for putting the blame on me? I had seen Magruder dozens of times since that call. He had never once mentioned it to me. No one had. Why now?

I then phoned John Dean to ask him whether he was aware that Magruder was now alleging that I had urged him (Mr. Magruder) to approve the Watergate. I reminded Dean that I had sent him, Dean, in August 1972, a memo of the phone call. Mr. Dean asked me whether I had kept a copy of the memo and I told him I had. Dean then told me he had heard Magruder's story, that I should pay no attention

March 23, 1973
2:15 p.m.

MEMORANDUM FOR THE FILE

FROM: CHARLES COLSON

Bob Haldeman just called and asked what representations I had made to Howard Hunt with respect to the commutation of his sentence. I told him that I had made no representation, that I had not seen Howard Hunt since the Watergate, that I had seen his lawyer twice, perhaps three times, at his lawyer's request (and at John Dean's request). Bob asked what I had told Bittman, and I simply said that I told him essentially that I considered myself Howard Hunt's friend, that I would do anything anytime that I possibly could for Howard.

Bob asked whether I told Howard Hunt that his sentence would be commuted before Christmas and I said no, that I had not, that his lawyer had come to me and said that Hunt did not want to go to jail, that he was going to jail, but didn't want to stay in jail beyond the end of this year. I told Bittman that I had no control over that, that I couldn't make any representations in any respect, but that so long as I was around, I would do anything I could to help Hunt, that I felt he had been punished enough and that he should not be subject to further punishment. I told Bob that I was very clear in what I had said to Bittman, that in fact I wrote it down as I was saying it so that there would never be a misunderstanding, that I had made very explicit memoranda for the file and that I had advised Ehrlichman and Dean of the conversations since I had been asked by Dean to see Bittman.

Bob asked whether I had ever used anyone else's name in the conversation and I said no, that I had not. He asked whether Hunt might have the impression from my communication with Bittman that he, Hunt, would not serve beyond the end of this year in prison and I said that he might well have drawn whatever conclusions he wanted to from my having said that I would do anything I could to help him, having said that in response to the specific point that Hunt did not want to serve beyond the end of the year. However, Bittman, in my conversations with him, understood fully that I was not in a position to say anything more explicit than what I did say.

*Source: SSC
- 1/1/74*

Haldeman asked whether I had ever met McCord or had anything to do with McCord and I said no. He asked whether I had ever made any representations to McCord and I said no. I explained that I had made no representations direct or indirect to anyone. Bob again asked whether Hunt could get the impression from what I said that he might be out before the end of the year and my answer was that Hunt could get any impression he wanted from the fact that I had stated I was his friend and that I would help him in any way I could but that I was explicit in my recollection that I had not said anything that would give anyone any cause to have any specific understandings. In fact, there was no understanding.

Bob asked whether I ever mentioned the fact that I had discussed this with anyone else and I said no, I had not, although in fact I did discuss it with Dean and Ehrlichman.

Bob then asked me what would happen if Hunt "blew". I said I thought it would be very bad, that from what I knew he would say things that would be very damaging. Bob said, "then we can't let that happen". I told Bob that I did not know how much Howard Hunt knew first hand, but that he had said things in one conversation with me (recording of which I have) and had said things to Shapiro and apparently Bittman, that would be highly incriminating, that this was one reason that acting on Shapiro's advice, I had nothing to do with Hunt or his lawyer over the past two weeks and have stayed out of any contact between Hunt or anyone else. so.

Bob then asked me about a phone conversation I had with Jeb Magruder. I told him precisely how I remembered the conversation; that Hunt and Liddy had come in my office one night, unannounced, that it was sometime in January or February (I could not remember when), that Hunt told me Liddy had been across the street, had some excellent plans and ideas for intelligence and counter-intelligence, but that he hadn't been able to get anyone to approve his plans. They started to explain what the plan was and I told them that I wasn't interested, that this was not my area, that I didn't want to get involved or spend the time, but that I would call Magruder and ask him to see them. I told Haldeman that I had called Magruder and asked Magruder to advise them, that is, Hunt and Liddy, or specifically Liddy, whether he was going to be used in the campaign or not. Liddy's position was that "if I'm just going to be sitting around, I don't want to waste my time; I have some ideas of how I can be helpful, but I don't want to just sit and waste time at the Committee". Magruder

assured me that he would see that their plan was considered and that he would attend to it. I explained to Job that I wasn't advocating their plan because I didn't know what it was, but that Hunt was a good man and if they had some ideas that ought to be explored and used, that they should have an opportunity to talk to someone that could either authorize them to do something or not. Haldeman said that may not be the way Magruder remembers the conversation. Magruder, he said, seems to think that he was told to get their operation started by Colson. I told Haldeman that I had never been able to order Magruder to do anything.

I also did not urge him to do anything other than to let Liddy make a presentation of whatever his ideas were and in fact I specifically did not endorse them because I didn't know what the proposals were. I asked Bob whether he knew whether Magruder had any different recollection and he said no, but he had reason to think that he might.

I explained to Bob that Magruder didn't even remember the conversation, that I had written a memorandum right after the Watergate of everything I could remember and in it I had that phone conversation. When I showed the memo to John Dean, Dean said, in effect: "don't show that to anyone because Magruder does not ever remember your calling and in fact, has already testified. John told me, therefore, not to leave the memo lying around and not to use it because it might impeach Magruder's testimony."

I told Bob therefore that I was confident that Magruder either didn't remember the conversation or if he did now, certainly wasn't remembering it very accurately.

Haldeman went on to say that the reason for his call was the question before the House, i.e., should all White House aides volunteer immediately to go before the Grand Jury waiving all privilege. I told Bob if we did that we would in turn be waiving all privilege before the Hill and that we would end up in my opinion worse off, particularly since the Grand Jury has no rules of evidence, than if we simply continued to adhere to a sound position on executive privilege.

Bob said he was concerned that the President not appear to be covering up. I told Bob that I didn't think the President had done so.

Bob asked me in the conversation with Magruder whether I had said I was calling at anyone else's direction and I said no, that I realize the gravamen of his question which was, had I used the President's name and the answer was obviously no since I never did that and since the particular call, in any event, had not arisen out of anything that had come up with the President.

7. According to Colson's memorandum to the file regarding the telephone conversation between Colson and Haldeman described in the preceding paragraph, Haldeman also questioned Colson about a telephone conversation Colson had had with Magruder. Colson reported to Haldeman that one night in January or February 1972 Hunt and Liddy had come to Colson's office, and Hunt had stated that Liddy had some excellent plans and ideas for intelligence and counterintelligence which he had not been able to have approved at CRP. Colson told Haldeman that without learning of the details of the plan or endorsing the plan, Colson had telephoned Magruder, had asked Magruder to advise Liddy whether he was going to be used in the campaign, and had told Magruder that Hunt was a good man and that his ideas should be considered. Colson told Haldeman that Magruder had assured Colson that the plan would be considered. Haldeman told Colson that Magruder might not remember the conversation the same way and that Magruder thought Colson had told him to start Liddy's operation. Haldeman also told Colson that the reason for Haldeman's call was to help decide whether all White House aides should volunteer immediately to go before the Grand Jury waiving all privilege. Haldeman said he was concerned that the President not appear to be covering up.

Page

7.1 Memorandum for the file from Charles Colson,
March 23, 1973 (received from SSC)..... 262

See Book I, Tab 6 for additional evidence regarding
Colson's 1972 telephone conversation with Magruder.

March 23, 1973
2:15 p.m.

MEMORANDUM FOR THE FILE

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Source: SSC
2/24/74

Haldeman asked whether I had ever met McCord or had anything to do with McCord and I said no. He asked whether I had ever made any representations to McCord and I said no. I explained that I had made no representations direct or indirect to anyone. Bob again asked whether Hunt could get the impression from what I said that he might be out before the end of the year and my answer was that Hunt could get any impression he wanted from the fact that I had stated I was his friend and that I would help him in any way I could but that I was explicit in my recollection that I had not said anything that would give anyone any cause to have any specific understandings. In fact, there was no understanding.

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Bob said he was concerned that the President not appear to be covering up. I told Bob that I didn't think the President had done so.

Bob asked me in the conversation with Magruder whether I had said I was calling at anyone else's direction and I said no, that I realize the gravamen of his question which was, had I used the President's name and the answer was obviously no since I never did that and since the particular call, in any event, had not arisen out of anything that had come up with the President.

8. On the afternoon of March 23, 1973 Dean and his wife went to Camp David, Maryland. The White House compilation of meetings and conversations between the President and John Dean indicate that the President spoke by telephone with Dean at Camp David from 3:28 to 3:44 p.m. Dean has testified that after the operator said that the President was calling Haldeman came on the line and said that while Dean was at Camp David he should spend some time writing a report on everything he knew about Watergate. Dean has testified that when he asked whether the report was for internal or public use Haldeman said that would be decided later. Haldeman has testified that Dean had been told to write a report prior to the time he left for Camp David.

	Page
8.1 John Dean testimony, 3 SSC 1002-03.....	266
8.2 H. R. Haldeman testimony, 7 SSC 2901.....	268
8.3 Meetings and conversations between the President and John Dean, March 23, 1973 (received from White House).....	269

Senator Baker's staff was very desirous of a meeting to get guidance. It was at this point that the President called the Attorney General and told him that he should get up to meet with Senator Baker as soon as possible and get some of these problems regarding executive privilege and the turning of documents over resolved with the committee immediately. After the conversation with the Attorney General, there was a continued discussion of how to deal with the Ervin committee. I asked the President to excuse me from the meeting for a moment because I was working with Ziegler on a response to a statement that Gray had made. The President asked me what that was about and I then explained to him about Gray's statement. I told him what Gray had said and I also told him what the facts were. He excused me to use the telephone in his office and said that I should get that resolved as quickly as possible.

When I returned to the conversation with the President, Mitchell, Haldeman, and Ehrlichman, they were still talking about dealing with the Ervin committee. The President told me that the White House should start directly dealing with the committee and that I should go up and commence discussions with Senator Ervin as to the parameters of executive privilege.

I told the President that I did not think this would be wise because I was very much the party in issue with regard to the Judiciary Committee hearings and that it would be unwise for me to go to the Hill and negotiate my own situation. The President agreed and Ehrlichman said that he would commence discussions.

The meeting was almost exclusively on the subject of how the White House should posture itself vis-a-vis the Ervin committee hearings. There was absolutely no indication of any changed attitude and it was like one of many, many meetings I had been in before, in which the talk was of strategies for dealing with the hearings rather than any effort to get the truth out as to what had happened both before June 17 and after June 17.

Following this meeting with the President, it was apparent to me that I had failed in turning the President around on this subject, but Ehrlichman and Haldeman began taking over with regard to dealing with a new problem, which had become John Dean, as they were aware of the fact that I was very unhappy about the situation.

TRIP TO CAMP DAVID

On Friday morning, March 23, my house was surrounded by camera crews as a result of Gray's statement the day before, that I had "probably lied." Accordingly, I decided to wait until the camera crews departed before going to the office. It was midmorning when Paul O'Brien called to tell me about Judge Sirica's reading McCord's letter in open court. O'Brien gave me the high points of the letter as they had been reported to him by someone from the courthouse. He also told me that McCord had only hearsay knowledge. I then called Ehrlichman to tell him about it. He said he had a copy of the letter and read it to me. I asked him how he received a copy so quickly.

He responded: "It just came floating into my office." He asked me what I thought about it and I told him I was not surprised at all and repeated to him what O'Brien had told me that McCord probably had only hearsay knowledge. He asked me if I was in my office and

I informed him that I was a prisoner of the press and would be in shortly.

After my conversation with Ehrlichman, the President called. Referring to our meeting on March 21 and McCord's letter, he said: "Well, John, you were right in your prediction." He then suggested I go up to Camp David and analyze the situation. He did not instruct me to write a report, rather he said to go to Camp David, "take your wife, and get some relaxation." He then alluded to the fact that I had been under—

Senator ERVIN. I will have to depart because I have less than 5 minutes to get over there. This is good training for running in the Olympics.

[Recess.]

Senator BAKER. Mr. Dean, we are not trying to hurry along but I stayed on the floor of the Senate until this rollcall began because in the last short rollcall vote Senator Weicker and I missed the vote and one or two others did, and so we are going to interchange in the interest of time. If you do not mind you might continue now.

Mr. DEAN. Thank you, Senator.

He then alluded to the fact that I had been under some rather intense pressure lately, but he had been through this all his life and you cannot let it get to you. He said that he was able to do his best thinking at Camp David, and I should get some rest and then assess where we are and where we go from here and report back to him. I told him I would go.

My wife and I arrived at Camp David in the midafternoon. As we entered the cabin in which we were staying, the phone was ringing. The operator said it was the President calling but Haldeman came on the phone. Haldeman said that while I was there I should spend some time writing a report on everything I knew about the Watergate. I said I would do so. I asked him if it was for internal use or public use. He said that would be decided later.

I spent the rest of the day and the next day thinking about this entire matter. I reached the conclusion, based on earlier conversations I had with Ehrlichman, that he would never admit to his involvement in the coverup. I did not know about Haldeman, but I assumed that he would not because he would believe it a higher duty to protect the President. The more I thought about it the more I realized that I should step forward because there was no way the situation was going to get better—rather, it could only get worse. My most difficult problem was how I could end this mess without mortally wounding the President. I had no answer, because I felt once I came forward the matter would be for the American people to decide, and not for me to decide. I finally concluded that I would have to think of some way for the President to get out in front of the matter, despite what happened to everybody else.

I called Mr. Moore and talked with him about it. We talked about a Presidential speech, where the President would really lay the facts out; we talked about immunity for everyone involved; we talked about a special Warren-type commission that would put the facts out; we talked about some half measures that might satisfy the public interest; but we both realized that nothing less than the truth would sell. As I mentioned earlier, Moore and I had talked about some of these con-

2901

over the following week, regarding the White House staff going to the Senate committee without executive privilege; but more importantly, regarding the assignment to John Dean to prepare a full and complete report on all of the facts of the matter. After the March 22 meeting in the afternoon, the President left for Key Biscayne. The rest of us remained in Washington. I went to Key Biscayne the next morning to join the President for the weekend. John Dean went home to write his report, but found that he was besieged by reporters as a result of the Pat Gray allegation that he had lied, and so the President, in talking to him on the phone the next day, suggested that he go to Camp David where he would be free from the press and would have an uninterrupted opportunity to get his report prepared. I am convinced that there was a discussion of Dean writing a report, and that when we left the meeting on the afternoon of the 22d it was clear in all of our minds that that was Dean's assignment and that he was expected to do so over the next couple of days.

CAMP DAVID

Over the weekend that Dean was at Camp David I had several phone conversations with him. There was a story that Dean and Magruder knew about the bugging and that was a matter of concern to Dean with which he was dealing. He had obviously been working on the report he was supposed to be preparing and perhaps talking to people. He seemed now to feel that Magruder was definitely involved. He gave that indication, which he had given before, on the phone. He was not at all sure about whether or not Mitchell was involved.

On the 26th, I had a long phone call with Dean. It is interesting because he said there was no communication on that day of any significance.

I had called Dean—this is on the 26th—to ask if he would have any problem if the President announced that day that he was requesting that Dean be called to the grand jury without immunity, and I specified that because in the earlier discussions Dean had made the point of immunity. Dean said, "No, I would have no problem with that." Then he said, "I have been working on this whole thing and trying to analyze what our problems are."

He said there is a problem with Magruder regarding the planning meetings, because apparently he has testified as to the number of meetings and the content of the meetings and his testimony was different than what mine would be if I went to the grand jury now. He said there was only one meeting, and it was for the purpose of discussing campaign spending laws; while, in fact, there were two meetings and they were for the purpose of discussing intelligence presentations by Liddy.

He said, "In looking over this whole thing, there are several areas of concern. One is the blackmail area. Blackmail started way back." This was the first time he spelled this out to me. Mitchell was hit by Parkinson or O'Brien, who were hit by Bittman, who was hit by Hunt, who had been hit by the defendants saying that they needed money and if they did not get it they were going to cause trouble. It was not spelled out much more than that, I do not think.

8.3 MEETINGS AND CONVERSATIONS BETWEEN THE PRESIDENT AND JOHN DEAN,
MARCH 23, 1973

March 21, 1973

AM 10:12 11:55 President met with Mr. Dean in the Oval Office.
Mr. Haldeman was also present for at least
part of the time.

PM 5:20 6:01 President met with Mr. Dean in the President's
EOB office. Also present were:

Mr. Ziegler (departed at 5:25)

Mr. Haldeman

Mr. Ehrlichman (5:25-6:01)

✓ Gen. Scowcroft (5:27-6:05)

101530

March 22, 1973

PM 1:57 3:43 President met with Mr. Dean in the President's
EOB Office. Also present were:

Mr. Ehrlichman (2:00-3:40)

Mr. Haldeman (2:01-3:40)

Mr. Mitchell (2:01-3:43)

March 23, 1973

PM 12:44 1:02 President talked long distance with Mr. Dean.
(The President initiated the call from Florida
to Mr. Dean who was in Washington, D. C.)

3:28 3:44 President talked long distance with Mr. Dean.
(The President initiated the call from Florida
to Mr. Dean who was in Camp David, Md.)

No contact during the period April 1-14

April 15, 1973

PM 9:17 10:12 President met with Mr. Dean in the President's
EOB Office.

✓ March 22: Deleted -- (Mr. Dean was scheduled to attend the President's
staff briefing in the EOB Briefing Room which
the President attended from 8:44-9:03. Attendance
was not confirmed on this briefing.)

9. Between March 23 and March 28, 1973 John Dean stayed at Camp David and attempted to prepare a report on matters relating to the break-in at the DNC headquarters and the investigation of the break-in. A draft of portions of a report was prepared by Dean, and partially typed. It related certain events before and after the Watergate break-in. The draft report made no reference to Dean's meetings with the President or to any statements or actions by the President. Dean has testified that during his stay at Camp David he decided that he would have to think of some way for the President to get out in front of the matter and that, during a telephone conversation with Haldeman, he discussed the creation of an independent Warren-type commission. On March 28, 1973 Haldeman called Dean and requested that he return to Washington to meet with Mitchell and Magruder.

	Page
9.1 John Dean testimony, 3 SSC 1003-06.....	272
9.2 John Dean testimony, SSC Executive Session, June 16, 1973, 132-35.....	276
9.3 John Dean Camp David report, SSC Exhibit No. 34-43, 3 SSC 1263-93.....	280

I informed him that I was a prisoner of the press and would be in shortly.

After my conversation with Ehrlichman, the President called. Referring to our meeting on March 21 and McCord's letter, he said: "Well, John, you were right in your prediction." He then suggested I go up to Camp David and analyze the situation. He did not instruct me to write a report, rather he said to go to Camp David, "take your wife, and get some relaxation." He then alluded to the fact that I had been under—

Senator ERVIN. I will have to depart because I have less than 5 minutes to get over there. This is good training for running in the Olympics.

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Mr. DEAN. Thank you, Senator.

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I called Mr. Moore and talked with him about it. We talked about a Presidential speech, where the President would really lay the facts out; we talked about immunity for everyone involved; we talked about a special Warren-type commission that would put the facts out; we talked about some half measures that might satisfy the public interest; but we both realized that nothing less than the truth would sell. As I mentioned earlier, Moore and I had talked about some of these con-

cepts on previous occasions, but we still did not have an answer that would bring the full truth out because of the criminal implications of the behavior of those involved.

On Saturday, I began reconstructing all I knew and began writing a report. I spent Saturday afternoon and evening, Sunday, and Monday reconstructing and writing. On Monday I asked my secretary to come to Camp David, bring certain documents that I had requested, and commence typing. I did not realize how difficult it would be to reconstruct my knowledge from memory. I had not kept a diary or even a calendar of all my activities, thus, I have been reconstructing my knowledge of this matter since March 23 to this day.

On Sunday evening, March 25, I was informed that the Los Angeles Times and the Washington Post were going to print a story that Magruder and I had prior knowledge of the June 17 bugging of the Democratic National Committee. I considered the story libelous then, as I do today. Upon learning that the story was going to be printed, I contacted an attorney, Mr. Tom Hogan, who was familiar with libel law. We discussed the matter. He then decided to put the newspapers on notice to preserve a libel suit in the event they printed the story. I also told Mr. Hogan that when I returned from Camp David that I wanted to talk with him about this entire matter and asked him to think about someone who was a good criminal lawyer because I was planning to take certain steps in the near future. I might add that it was my thinking at that time that I would explain all the facts to a knowledgeable criminal lawyer to determine the potential problems of everyone involved—from the President on down—to get independent advice on what I should do.

On Monday morning, March 26, I had a conversation with Haldeman about the story in the Los Angeles Times. I told him I was prepared to file a libel suit and had retained a lawyer to put the newspapers on notice. I told him that he knew that I had not known of the June 17 Watergate break-in in advance, that my knowledge of the entire matter ended with the second meeting in Mitchell's office. I told Haldeman that Magruder knew that I had no prior knowledge, but I did not know if he would admit it publicly. Haldeman concurred in the fact that I had no prior knowledge and suggested I call Magruder and tape his conversation.

I did call Magruder and by using a dictaphone held to the receiver. I recorded the call. I have submitted a transcript of this conversation to the committee; the long and short of this conversation was that Magruder acknowledged that the newspaper accounts were a "bum rap" for me because I had not had prior knowledge of the break-in.

[The transcript was marked exhibit No. 34-40.*]

Mr. DEAN. My secretary arrived at Camp David on Monday afternoon and began typing the report. On Monday night, I had given additional thought to how the President might get out in front of this matter and how we could get everyone involved to speak the truth. I called Moore, who is fairly conservative in his solutions to problems, and told him of my idea, which I said was so far out that I thought it might solve the awful problem. I have submitted to the committee a copy of my notes outlining my concept.

[The document was marked exhibit No. 34-41.**]

*See p. 1258.

**See p. 1261.

Mr. DEAN. In brief, the President would create an independent panel—that would be investigator, prosecutor, and judge and jury for everyone involved. It would have the power to remove officials from office, levy fines, and impose criminal sanctions. It was designed to give every man a fair and full hearing, and proceed in a manner where people would not be tried publicly.

Finally, after all the facts were in, the panel would render its judgments on the individuals involved and report to the public. I might note that if the special prosecutor and this committee were merged, made independent, and proceeded in camera, it would be very close to the concept I had proposed back on March 26.

Moore liked the idea and suggested I call Haldeman, which I did. He was intrigued, but not overwhelmed. It was becoming increasingly clear that no one involved was willing to stand up and account for themselves.

After I had read in the newspaper on Tuesday, March 27, that the President had called me on Monday morning, March 26—which he had not—and expressed great confidence in me and the fact that I had not had prior knowledge of the break-in at the Democratic National Committee, I decided to attempt to contact Mr. Liddy, who was the one man who could document the fact that we never had talked about his plans following the February 4 meeting in Mitchell's office. I called Paul O'Brien and asked him how I could get in contact with Mr. Maroulis, Mr. Liddy's attorney. O'Brien gave me Maroulis' phone number, but told me I could not reach him until late in the afternoon.

I called Mr. Maroulis about 5:30 and asked him if I might get some sort of sworn statement from Liddy regarding my lack of prior knowledge of the break-in at the Democratic National Committee. I told him of the two meetings in Mitchell's office, and that Mr. Liddy and I never talked about his plans after the second meeting. To this day, I am convinced that if and when Mr. Liddy ever talks, he will tell the truth as he knows it. I was hopeful that he would give me some sort of an affidavit attesting to the facts, but his lawyer was concerned about his fifth amendment problems.

Mr. Maroulis called me back on March 29 after I had returned from Camp David, after he had talked with Mr. Liddy. I requested O'Brien to make a memorandum of the call, as he was with Mr. Maroulis when he made the call. I have submitted to the committee a copy of this document in which Maroulis advised me his client could not make such a statement because it might result in a waiver of his fifth amendment privileges, that to give such a statement could be detrimental to others, but Liddy did wish to convey that his reasons for not providing such a statement was not because he disagreed with the facts, but because of the advice of counsel.

[The document was marked exhibit No. 34-42.*]

Mr. DEAN. It was the day before I received this call, March 28, that Haldeman had called me at Camp David and requested that I return to Washington. He told me that he was meeting with Mitchell and Magruder and that they wished to meet with me. I told Haldeman that I really did not wish to meet with Mitchell and Magruder, but he was insistent that I return and meet with them. I returned from Camp David about 3:30 and went directly to Haldeman's office. He told me

*See p. 1262.

that Mitchell and Magruder were waiting in another office for me. I asked him why they wanted to talk to me and he said that they wanted to talk to me about my knowledge of the meetings in Mitchell's office. I told Haldeman that they were both aware of the situation and I was not going to lie if asked about those meetings. Haldeman said that he did not want to get into it, but I should go in and work it out with Mitchell and Magruder.

Before discussing the meetings with Mitchell and Magruder, I feel I should comment on my reaction to the discussion I had just had with Mr. Haldeman. Knowing how freely and openly he had discussed matters in the past, I could tell that he was back-peddling fast. That he was now in the process of uninvolving himself, but keeping others involved. This was a clear sign to me that Mr. Haldeman was not going to come forward and help end this problem, rather, he was beginning to protect his flanks. It was my reaction to this meeting with Mr. Haldeman and his evident changed attitude, and my earlier dealings with Ehrlichman where he had told me how I should handle various areas of my testimony should I be called before the grand jury, that made me decide not to turn over to them the report I had written at Camp David. I have submitted to the committee a copy of the Camp David report, part of which was typed by my secretary at Camp David and the remainder in longhand, which I had not put in final narrative form before I was called back to Washington.

[The document was marked exhibit No. 34-43.*]

MEETING WITH MR. MITCHELL AND MR. MAGRUDER

Mr. DEAN. After departing Mr. Haldeman's office, I went to meet with Mitchell and Magruder. After an exchange of pleasantries, they told me they wished to talk to me about how I would handle any testimonial appearances regarding the January 27 and February 4 meetings which had occurred in Mitchell's office. I told them that we had been through this before and they knew well my understanding of the facts as they had occurred at that time. Mitchell indicated that if I so testified, it could cause problems. Magruder then raised the fact that I had previously agreed, in an earlier meeting, that I would follow the testimonial approach they had taken before the grand jury.

I told them I recalled the meeting. Magruder then said that it had been I who had suggested that the meetings be treated as dealing exclusively with the election law and that explained my presence. At this point in time, I decided I did not wish to get into a debate regarding that meeting. They both repeated to me that if I testified other than they had it would only cause problems. I said I understood that. I told them that there was no certainty that I would be called before the grand jury or the Senate committee and that if I were called, I might invoke executive privilege, so the question of my testimony was still moot. I did not want to discuss the subject further so I tried to move them off of it. They were obviously both disappointed that I was being reluctant in agreeing to continue to perpetuate their earlier testimony.

The only other matter of any substance that came up during that meeting was when I made the point that I had never asked Mitchell

*See p. 1263.

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I asked him, "What does that mean", that is when I was asked ...
to write this written Dean Report. And I said that at this
time I would suspect that the Grand Jury would reopen, and the
whole situation would change.

Mr. Dash. After the election?

Mr. Dean. After the election.

Mr. Dash. Before the trial?

Mr. Dean. Before the trial. I said it was very likely
that Haldeman, Ehrlichman, Strachan, Mitchell, Dean, and the
like, would be fighting indictments.

Mr. Thompson. Who did you tell this to?

Mr. Dean. To Haldeman. He said, "That doesn't seem like
a very viable option, does it", and I said, "Well, I'm ready
to stand up at any time, and it's an option that we ought to
continue to presume.

Mr. Shaffer. Can we go off the record?

(Discussion off the record)

Mr. Thompson. If we can go to the 23rd, that is when you
went to Camp David?

Mr. Dean. Right.

Mr. Thompson. Can you tell us how that came about?

Mr. Dean. Well, as I said, the President called me shortly
after I talked to Ehrlichman that morning -- first of all, let
me go back and tell you what happened that morning. That morning
I received a call from Paul O'Brien and he said, "Are you aware

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133

of what McCord did down in the Court Room", and I said, "No". He said, "Well, I got a report from the Court House, and he wrote a letter", and he gave me the highlights of the letter. I then called Ehrlichman and asked if he was aware of what McCord had done down in the Courthouse, and he said, "Yes". I said, "As a matter of fact, I've got a copy of the letter, and how did it get here so quickly", and he said, "Well, it just sort of floated in here", and I didn't pursue it.

He said, "Well, what does it mean to you", and I said, "Well, I don't know"; from my conversation with O'Brien, he said that he felt that McCord had a lot of hearsay knowledge, and that would be all, and I reported that back to Ehrlichman. That was about the sum and substance of the conversation.

Then, I was still surrounded by the press, and he asked me if I was in my office, and I said, "No, I'm still surrounded by the press", I would wait until they departed.

Then I had a call from the President, and he said to me - he had said that on several other occasions - that I ought to come up to Camp David and take a break; he said nothing about a report, or anything like that.

So, I called back and asked Higby how you arrange to go to Camp David, Higby or someone else, I'm not sure who it was; the President had suggested that I go up there, and I wanted to find out how the arrangements were made.

It was late afternoon when I got up there, and just as I

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134

walked in the cabin that I was staying in, I had a call.

The phone was ringing, and they said it was the President talking. Well, it wasn't the President, it was Bob Haldeman on the line. The operator had said it was the President, but it was a call from the President's office, but it was Bob Haldeman on the line. He said, "While you are up there, what you ought to do is sit down and write a report of all your knowledge of this whole thing".

I said, "Fine, I'll be happy to", so I spent the next couple of days reconstructing, and making some notes; and thinking about the whole situation.

Mr. Thompson. Did he say what the purpose was for which the report was going to be prepared?

Mr. Dean. I think at one point I said, "Is this an internal document, or a public document", and he said, "we haven't decided yet."

Mr. Thompson. Did it depend how it turned out?

Mr. Dean. Well, he didn't say that to me. He said, "Just rough this out, and then we'll see." So, I started -- first of all I started to reconstruct what happened over the period of a year, and I began writing sort of a "soft" document that didn't cause anybody any problems. When I got to Haldeman and Strachan I didn't write anything, exactly as I had planned because I was only speculating, I left that blank. I knew something had happened.

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135

I wrote about the fund-raising by Kalmbach, and the use of the 350, and the executive clemency, and those sorts of things. I tried to reconstruct the whole picture, the high-lights of everything I could remember by doing it.

While I was up at Camp David I also had several discussions with Dick Moore about, you know, how do we and this thing; and at one point in time came up with an idea how a special panel might be appointed by the President, whereby anybody involved in any way would go before that panel.

Mr. Thompson. Sort of a Warren Commission type of thing?

Mr. Dean. Sort of a Warren Commission type thing, but giving them the power of prosecutor, judge, jury, executioner, sort of a special prosecutor in a Senate Committee, as a matter of fact; and everybody that was in any way involved would go before this panel, and do it in an in camera manner so that the rights of the individuals would be protected, and they would get a fair hearing, and everybody would come forward, subject to this panel. I had notes on this, that I'll submit also. Moore liked it, and he said, "Why don't you run that by Haldeman".

Mr. Thompson. Notes on this proposal, or notes on the report?

Mr. Dean. I've got both. In fact, on Monday I had my secretary come up and start typing; she came up and started typing it. I was still writing. I hadn't gotten everything

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EXHIBIT No. 34-43

Pre June 17th

(I) White House involvement and Knowledge of Liddy's Intelligence Operation at CREP.

During the entire first four years of the administration the President had been subjected to mass demonstrations relating to the war in Vietnam. I do not remember exactly when, but believe it was in June or July of 1971, that HRH asked me to make a recommendation as to how the Re-Election Committee should handle the problem of demonstrators. HRH raised this with me, because one of my White House responsibilities has been to keep informed regarding potential demonstrations that might affect the President. I had been involved in this area while at the DOJ and when I went to the White House my office served as a liaison office for metropolitan police/FBI/DOJ and SS intelligence regarding demonstrations.

Haldeman and Ehrlichman have always been critical of the insufficiency and weakness in the intelligence that has been provided to the White House by various federal agencies regarding demonstration activities. The intelligence always seemed to be too little and too late. While the evidence would appear that the demonstrations were well orchestrated and well financed, no one could every [sic] find hard information as to who was behind it and what motivation might exist other than the obvious anti-war theme.

The demonstrations were having a dual impact on the President. First, it made the atmosphere of public opinion much more difficult for the President to negotiate an honorable peace in Vietnam and secondly, when the government dealt firmly with the demonstrators we would be charged with oppressive tactics even though the demonstrators were seeking to tie the government into knots.

There were several efforts to improve the government's ability to gather intelligence regarding demonstrations, but these efforts really never accomplished much. For example, before I came to the White House, a study group headed by Tom Huston had re-examined the entire structure of the domestic intelligence security operation, but the plan that was ultimately developed by the study group was vetoed by Hoover because of the fact that it would have involved the FBI assuming less than a dominant position in the intelligence community. A compromise arrangement was worked out with Hoover to establish within the Department of Justice a coordinating team of all the domestic intelligence agencies but the product was less than satisfactory and often the newspapers appeared to have more information than the intelligence gatherers.

When Haldeman would read the reports regarding demonstrations he would—and rightly so—express continual dissatisfaction. I assume it was because of the weaknesses of the government system that Haldeman urged that consideration be given to the campaign committee developing its own capability to deal with demonstrators in the forthcoming Presidential campaign. Not only did we expect problems for Presidential appearances, but it was also felt that the demonstrators would seek to cause extremely serious problems for the Republican 1972 Convention with the aim of creating a similar situation as that which occurred at the 1968 Democratic Convention in Chicago.

It was suggested that the person who head up this operation be a lawyer who could also serve as general counsel to the Committee and it was not anticipated that the intelligence operation would be a particularly consuming activity. Jeb Magruder indicated to me that he would like to have my Deputy Counsel, Mr. Fred Fielding, assume the position of General Counsel and the man to be concerned with demonstrations and security. I discussed the matter with Fielding, but we agreed that it would handicap my office's operations greatly if he were to leave the office during the chaos of a campaign year. I informed Magruder that I could not let Fielding go, because I couldn't get along without him. Magruder then asked if I would recommend some other lawyer who could fill the function.

I next discussed this with Bud Krogh because Bud is a lawyer and had had responsibility for demonstrations prior to my arrival at the White House. I suggested that David Young, who worked for Bud, might make an excellent

(1263)

1264

man for the job, but Krogh informed me that it was not feasible because Young was too busy on the declassification project. Krogh did, however, suggest Gordon Liddy as a man who could do the job. He told me that Liddy was a fine lawyer, had prepared some excellent legal documents for him and that he was a fast study on the law, and he was quite confident that he would quickly grasp the campaign laws. Krogh also told me that Liddy had an FBI background and assumed that his background with the FBI would qualify him for dealing with the demonstration problems during the campaign. Krogh informed me that he would have to check with Ehrlichman before he signed off on his recommendation which he did and after that I informed Mitchell [sic] and Magruder that I had a recommendation.

I frankly do not recall if I explained the job to Liddy or if Bud Krogh explained the job to Liddy. However, I do recall that I informed Liddy that one phase of the position would involve his tracking on domestic intelligence regarding demonstrations and the threat of demonstrators to the Republican Convention. I informed him that I was not an expert in intelligence and did not have any idea how such operations were conducted, but he assured me that he was familiar with intelligence gathering and would be able to handle the post. I arranged for John Mitchell to meet with Gordon Liddy on November 24, 1971, for a job interview. I attended the meeting and attached is a agenda that Liddy had prepared for the meeting and passed out at the meeting. As I recall the meeting, it was a normal job interview type meeting in which Mitchell asked Liddy about his background and his knowledge of the election laws. I had already informed Liddy that I would do everything possible to assist him in becoming familiar with the election laws, including the new election law, the passage of which was imminent.

Liddy thought I could be very helpful to him in getting geared up with regard to the election laws, that they were complex, that they must be followed to the letter. I do not recall any discussion of intelligence operations at this meeting other than the fact that Liddy said he would put together the plan for Mr. Mitchell's approval. The interview also involved discussions in some detail regarding salary and title, which were agreed upon but I am unable to recall the specific salary although I do recall Mitchell agreed that Liddy should be called the General Counsel.

After this meeting, I recall that Magruder requested that I bring Liddy over for an interview with him in that Mitchell had said to him that he would have the final say as to whether or not Liddy was acceptable to him because he was the person who would have the working relationship with Liddy. I explained this to Liddy and Magruder asked that we come over on Friday, December 8, 1972(?) at which time Magruder interviewed Liddy also. Again, there was no discussion of Liddy's intelligence responsibilities other than Jeb's expressed concern regarding the demonstration threat to the Convention. Liddy indicated that he thought he could be helpful in getting information regarding demonstrators for Magruder and that he would draw up a plan. At that meeting Magruder agreed to hire Liddy and asked him to start as quickly as possible.

The next contact that I had with Liddy was through a man in my office, David Wilson, who I had instructed to provide Liddy with all background material on the election laws and to tell Liddy some of the areas that he should have particular concern with.

On January —, 1972, Magruder requested that I attend a meeting in Mitchell's office with Gordon Liddy. At the time I went to the meeting, I had no idea of the subject matter to be discussed, but when we were going over to the meeting together, I learned that Gordon was going to present his proposal for an intelligence operation. Liddy had prepared a series of charts to explain his plan but I frankly had some trouble following it as Mitchell later told me he did, because all of the operations were in unusual code names. However, I do recall some of the items that were in the plan. I recall that it called for a \$1 million budget, and included such recommended capacities as the ability to kidnap demonstration leaders in an effort to throw the demonstrators into disarray, strong arm teams, teams to infiltrate operations with demonstrators, and the ability to conduct, what Liddy called the most sophisticated electronic surveillance in the world. The plan also set forth how convention security could be handled, and general security for other aspects of the campaign to deal with demonstrators.

As the plan was unfolded I felt sorry for Liddy because he thought he was providing the answers for the intelligence needs, but I knew that John Mitchell would never agree to any such proposal or plan. I didn't know how Mitchell would turn it off, but knowing John Mitchell, I knew he would not blast Liddy

1265

out of the room, rather would subtly tell him that this was not what he had in mind. In fact, the meeting terminated with Mitchell telling Liddy that this is not what he had in mind, that it was a little exorbitant, and more extensive than anything that would be needed. Liddy said that he understood and would provide another plan.

After the meeting, I talked with both Mitchell and Haldeman and Magruder and informed them that such a plan was disaster. I advised Jeb that he had better guide Liddy before the matter goes further.

On January —, 1972, Jeb requested I attend another meeting with Mitchell and Liddy and himself. I had not at any time discussed this plan further with him, although I do recall him telling me that he was going to totally revise it. I arrived at this second meeting very late and Liddy was in the process of presenting his revised plan.

After sitting in the meeting for approximately 15 or so minutes and hearing the same sort of things starting to come out again, as have been contained in the earlier plan, I could see that Mitchell was very upset, but trying to maintain his composure. I must also say that I was frankly quite upset and decided that I had best interject myself into the matter in an effort to cut it off from any further discussion. I told Liddy and the others that the things that were being discussed here could not be discussed with a man who is the Attorney General of the United States and if there was going to be any intelligence operation, it would have to be taken up at another time. I felt that I got Mitchell off the spot without embarrassing Liddy who agreed that this would be discussed sometime after Mitchell had come over to the Re-Election Committee. Again, I felt sorry for Liddy, and I felt no one had given him any guidance as to what was or was not expected of him, but I did not believe it was my role to get any further involved other than to attempt to stop what it saw developing.

After the meeting, I informed Liddy that I could never discuss his intelligence operation with him further, and that he should not look for me for any guidance on the matter. I informed him that our dealings would have to be limited strictly to matters of election law and Liddy said he would honor that request. I never discussed the subject with Gordon Liddy again.

Also, after that meeting, I informed Haldeman of what had transpired in Mitchell's office and the fact that I had interjected myself into the meeting in an effort to cut it off. I told Haldeman that I had informed Liddy that I would not discuss this subject with him further, and that if anything like this was developing in the White House, I had to stay totally out of it. Haldeman fully agreed and told me that I should not become involved in any way with the Re-Election Committee intelligence operation and I never did.

I never received any intelligence from the Re-Election Committee and I cannot recall ever providing the government intelligence regarding demonstrations to the Re-Election Committee, rather, I provided all such information directly to Haldeman via Strachan. I have no knowledge before the incident which occurred on June 17th, as to what was or was not done regarding Liddy's intelligence gathering functions. And I never discussed this subject with any other person at the Re-Election Committee before June 17th.

POST June 17th

(1) The Dean Investigation

I landed in San Francisco on June 18th, having been out of the country to give a speech on drug law enforcement. I called Fred Fielding of my office to check in and he informed me of the news story regarding the break in at the DNC headquarters.

I arrived in Washington, D. C. late in the afternoon of June 18th and Fielding informed me that one of the men arrested had a letter with a check signed by Howard Hunt in his possession. I realized at that point that I would be asked to assemble all of the facts so that the White House could be fully informed as to what had transpired and how it might affect the President. Having been on an airplane for approximately 25 hours, I did nothing further than evening.

On Monday morning, after reading all the news accounts of the incident, I spoke with John E. who instructed me to get the facts together and report to him. I called the A.G. to ask him what facts he knew and he said that both the metropolitan police and the FBI were investigating. He also told me that Gordon Liddy and Powell Moore had tracked him down on Sunday, June 18th, at Burning Tree CC and Liddy had said he must talk with him about the man who had been arrested at the DNC. The A.G. said he refused to talk with Liddy about the matter.

1266

I then called Liddy and requested he come to my office. When he came over I suggested we take a walk. I asked him what he knew about the incident which had occurred at the DNC and he told me that this was his operation that had gone bad. He told me that he had been pushed into doing it, when he did not want to do it. He said that they had been in the DNC before and the bug they had placed in the DNC was not transmitting properly, so they were seeking to correct it. He also said that they had observed what appeared to be stolen classified documents in the DNC and had been instructed to make copies of them.

I asked Liddy if anyone at the White House was involved and he told me no. I did not ask him who pushed him to do this, but he intimated it was Magruder. I did not question him further about the incident.

Liddy also expressed concern for those who had been apprehended and I told him there was nothing I could do. He said he understood. He told me that he deeply regretted that the matter had occurred and he planned to remain totally silent. As we parted I remember he said you can count on me to be a soldier. I told him that I was trying to ascertain the seriousness of the problem—in that it was obviously a political bomb shell—and that I would not have any further contact with him. He said he understood and we parted.

During the days and weeks that followed I discussed the incident with everyone who I thought might have any knowledge or involvement. Set forth below are the findings from these conversations.

Chuck Colson

Because of Colson's relationship with Hunt, I thought he may have either knowledge or involvement in the matter, but Colson assured and reassured me that he had no involvement whatsoever.

Colson told me that he was aware of the fact that Hunt was working with Liddy. He said that in late January—early February (?), 1972, Hunt and Liddy came by his office late one afternoon to visit him. He said that it was a casual "stop-by" type visit and during the course of their conversation Hunt and Liddy mentioned to Colson that they had an intelligence operation plan, but they could not get anyone at CREP to focus on it and sign off. Colson says that they employed upon him to call CREP to see if he could get some action. Colson stated that he called Magruder and told Magruder that he did know what Hunt and Liddy had for a plan, but they should not be left hanging. Someone should focus on it and make a decision one way or the other.

Colson told me that the only time he requested Hunt to do anything for him after that was during the ITT hearings, when he requested Hunt to go to Denver to interview Dita Beard. Colson states that he wanted to know if Beard had really written the famous memo and decided to sent Hunt to find out. When Hunt was in Colson's office, Colson asked him how he was going to pay for the trip. Hunt then telephoned someone and said he needed \$1,000 and solved the problem.

Magruder has intimated to me that Colson had more involvement than Colson says. Magruder says that they let Liddy and Hunt proceed with their intelligence operation because Magruder was concerned that Colson might try to take over the operation himself and they did not want Colson involved. However, Magruder feels that Colson was aware of everything Hunt and Liddy did and that Colson, in fact, gave Hunt assignments from time to time. Magruder says that the Brigham Young student—Gregory—was working for Hunt to get scheduling information for Colson. Magruder says he had no use for such information, but Colson did.

Magruder also says that he received more than one call from Colson telling him to approve the Hunt and Liddy intelligence operation, and it was Colson who was pushing to get something done. Colson denies this.

Colson received a letter from Howard Hunt on _____ (Attachment _____). This letter would appear to indicate that Hunt is saying that Colson was not involved in the incident at the DNC headquarters.

Colson received a telephone call from Howard Hunt on _____. During the course of that conversation Hunt states that Colson had nothing to do with the incident at the DNC headquarters. Colson recorded the conversation. (Attachment _____)

Colson has stated under oath on two occasions that he was not involved in the incident. These statements were contained in depositions—one for the federal grand jury investigation and the other (Attachment _____) in connection with the civil lawsuit filed by the DNC.

JE

I found that E had absolutely no knowledge regarding the intelligence operations at the CREP. Bud Krogh had discussed with E that he was recommending Liddy to serve as General Counsel at the CREP and the fact that Liddy might also be given responsibilities for intelligence regarding demonstrations that would affect the campaign. However, E had, to the best of my inquiries, no knowledge of anything Liddy was engaged in after his departure from the Domestic Council staff. I also found that E had only incidental dealings with Liddy while he was on the Domestic Counsel staff and knew of his work in the area of gun control, narcotics, and that he worked for David Young and Bud Krogh on the problem of leaks and matters relating to national security.

E only recalls one occasion meeting with Howard Hunt, in connection with an interview Hunt had conducted with a former CIA operative and relating to a matter of national security. E was aware of the fact that Hunt had been placed on the White House staff as a consultant. Colson had recommended retaining Hunt in connection with the Pentagon Papers matter and E—according to Colson—told Colson to place him on his (Colson's) staff.

Bud Krogh

Krogh has testified twice under oath regarding his relationship with Liddy and Hunt. Once before the federal grand jury investigating the incident at the DNC headquarters, and once at his confirmation hearings (Attachment _____). My independent inquiry confirmed that Krogh had absolutely no knowledge regarding any activities of Hunt or Liddy once they departed from the White House. When Krogh recommended Liddy to me as a person who would make an excellent General Counsel and as a person who could assist the CREP in keeping abreast of the problems that demonstrations might cause, the campaign, he told me that Liddy has an outstanding legal mind. He cited several examples of legal briefs Liddy had prepared and told me that he was confident that Liddy could quickly and thoroughly grasp the campaign laws.

1268

Pre 13 June 17th

- (I) general concern at WH re communications intelligence
- (II) personal knowledge re Liddy's activities at CREP

Post June 17th

- (I) THE DEAN INVESTIGATION
- (II) WORKING WITH CREP
- (III) THE BLACK MAIL PROBLEM
- (IV) ^{Handling} FBI REPORTS

Devin's present
P.S. method

- (V) ☒ TURNING OVER TO FBI MATERIALS FROM PANTS OFFICE
- (VI) Relationships between WHU & D&S

- Gray
- D.G.
- Peterson
- Silbert

P.S. never questioned
by you. as
my authority

Liddy call to KROGH

McCord letter to Cardfield

Q

The Plumbers

The Toxicologic Mission

1269

Re: JUNE 17

insufficient of 200 in Disruption & Security Intelligence
 DOJ - STUDIED FBI/DOJ INTERAGENCY RPTS re DEMO
 - CHIEF SUPERIOR WITH REAR GROUP - NOT GAVE TO DOJ COMM
 - TURNING IN EVERY MAJOR DEMONSTRATION

W/H - REVIEWED ALL REPORTS OF DEMONSTRATIONS
 - DURING CAMPS KEPT INFORMED OF WHAT WAS GOING ON
 via DOJ/MAYOR/CHIEF WAGON/SS
 [STAFF: FIELDING/LOVISON]

HRH/JE always critical of insufficient intelligence
 re Demonstration activities - what they were planning,
 who was behind them financially - and because
 of the lack of intelligence - the ability of
 the government to deal effectively with the
 situation.

The Demonstrations were having a bad impact
 on the P: (1) making it difficult from him to
 negotiate an honorable peace in the (2) making it
 appear that the Gov. was repressive in dealing
 with those who sought to tie up Gov. in the
 name of peace demonstrations.

They were several efforts to improve the Gov. Domestic
 intelligence - but they really were accomplished much.
 (1) Before I came to talk they was a study
 group headed by Tom Weston to restructure the
 entire domestic intelligence operation - it was
 vetoed by Brown
 (2) The other agency groups are established in DOJ

1270

to coordinate the best available intelligence of all the intelligence agencies, but the product was less than satisfactory in that the newspapers often had more info.

When ROTH would read info he would - and rightly so - express continued dissatisfaction because it was apparent that opponents of the President were using the press demonstrations to cause him political problems.

In _____ (Dec/31/77) ROTH co-chaired the fact with me that the demonstrators would undoubtedly cause the P a serious problem during his reelection campaign and suggested that the campaign committee develop it and capacity to deal with demonstrators. Not only did we expect problems from P opponents, but we felt confident that the demonstrators would seek to cause the 1972 convention the same problem that had befallen the 68 Democratic convention. I told ROTH that we could push the Fed intelligence agencies to keep us informed, but I doubted if we would get much info. ~~Regarding the demonstration from her had~~ in short, I was instructed to assist the resolution effort in preparing itself for expected intense demonstrations.

1271

I discussed this matter with Mr. Hoar - approx. _____ and he agreed that we would have a problem, that the FBI would help, but that the resolution committee should develop it and especially to gather such intelligence. He offered to provide names of former agents but might be of assistance, but I never asked him for such names.

I assume that Pat and Tom discussed this matter also, because both continued to asked me for my recommendations.

I stated having no background or experience in the intelligence field, other than what I had been on the receiving end of intelligence reports. I discussed this matter with Jack Caulfield. He informed me that he had already given this matter some thought and had been considering working for to form a private corporation along this line of interest. I asked him to prepare his recommendations for consideration.
[Insert discussion of Samuelsops]

Tom also was discussed with Pat, Tom and I agreed that it was what we had in mind.

1272

It was then discussed by JIM/PHIL/JOE and I fully agreed that this operation should be directed & controlled by a lawyer, with an intelligent background. That if anything crossed the boundaries of the law that the problems would be serious.

I was then asked to recommend such a lawyer. Two names were coming from JEB at this time, but that he had gone over to 17017. JEB wanted PEE, but I refused. Then I suggested Dave Gray, but JOE & KATHY said no. Kathy suggested Liddy, but said he needed criminal guidance as he could get into situations. I passed this recommendation on to JIM & JEB.

JIM, JEB & KATHY met on Nov. 24th. Typical routine situation. Only thing that came up was that G.L. would not approve his recommended plan.

JEB put Liddy on —. Jim only discussion was that Liddy said that he had a deal on a plan.

At no time did I discuss with G.L. what his plan should or should not include. I never told him that this wasn't my bag and that it would be his responsibility to handle.

1273

a plan acceptable to Jim & Jess. I have no knowledge of what G.L. did re his plan.

My dealing with G.L. was to get him by instruction of the Station Chief. - provided him material re case, discussed the development of the case law, the problem it would create for compliance, etc.

In Jan - 1972, Jess requested that I attend a meeting in Jim's office because G.L. was going to present - all intelligence plan. At that meeting G.L. set forth the proposed plan which I frankly did not fully understand because it was in such casualistic code names for operations. I do know it called for a \$1 million budget and included such things as kidnapping teams, briefing teams, transportation operations, vehicles, targets and plans to influence the dimensions. [Continuation Security.]

As the plan was presented I felt sorry for LeMay, who thought he was being provided the answers for the intelligence needs, but had a strong impression a plan that Jim would never agree.

One has to know Jim to know why he didn't throw G.L. out of the office. He just is not that type of man, but I could tell he was up set and dismissed at that time.

1274

I appreciated his comment with me, that I was trying to determine the seriousness of the problem, and that I would not have any further contact with him. He said he appreciated the fact that it would have to be that way, but he would be a rider.

Called to meeting in JE's office with Colson. Colson said E.H.H. probably had files of the WH, which could be political disadvantage.

[Said I have learned that that may have called Colson to tell him to take one of his files.]

At this meeting I was instructed during the meeting to call Liddy and tell him to tell that is got out of the meeting, which I did. Later during the meeting - after discussing the implications of first call - I was ordered to call Liddy at 8:00 and make that call. I did that call.

HK to CC
concur

Colson advised JE that Hunt's files could be a problem, and that Bruce Kerley was called in to determine where Hunt's office was located and how the contacts could be obtained. JE instructed Bruce to have the safe opened, but that Bruce - or someone from his office should take possession of the contents.

I had learned the office for hours by the time Dr. had made arrangements for 9:50 p.m. on the safe. Dr. called Fields to accompany

1275

257 June 1968

Landed in San F on the 17th - called FFF -
he informed me of First Prize Story re Brakes &
bugging attempt.

Returned D.C. Sunday 18th and received word that
check re E.H.H. found with whom I relayed at that
point that the I would have to have nothing, I called first at

Monday evening called Liddy - requested he
come to my office. He came over & suggested we
take a walk. He told me that the
the tin operation had had gone bad. That he
had been pushed into doing it, when he
didn't want to do it; that the tin budget
had been cut to a point where he
had to take great risks to provide the info.

~~He said~~ I asked him if anyone from the
with was involved in any way and he said
no. I did not question him further about
the matter. He expressed no concern for those
people who had been apprehended and I
told him there was nothing I could do.
He told me that he regretted the matter
having occurred. Being told that he
planned to say nothing to any investigators
present. I told him that besides this was
a political bomb shell and that the P's
opponents will attempt to pin the blame on the
with. He smiled and I told him that

1276

(II) Repeating results of investigation

(II) Identify office activities

1277

suggested. The meeting terminated with JM telling Liddy that ~~the~~ the plan was not what he had in mind, and ~~he~~ said that he did not tell him what he did have in mind, but told Liddy he was most concerned about what ~~disruption~~ might do to disrupt the campaign & the campaign. He also said that he could not convince the resolution committee's willingness made up of 11 million dollars. Liddy agreed that if that is not what he wanted he would get together another plan.

~~Later~~ When the meeting I talked with both JM/DEB and DEB and informed them that there was a plan like that was out of the question and that we would have to have a different approach to collect money. ~~reminded~~ I advised DEB that he had better guide Liddy before the next job plan.

On 1/22/72 DEB reported that I met again with JM/DEB & Liddy. I had not at any time discussed Liddy's plan for the union with anyone. ~~being~~ I can recall his saying that he was having it. Liddy I advised at the same meeting while Liddy was presenting his plan. I sat there for 15-20 minutes and heard

1278

a sealed room where I in earlier times I
could see Jim was very upset, but trying
to maintain composure. He also was distressed
so I placed my self with the matter in
an effort to arrive at a safe screen. I told
Liddy that that the thing that he was
discussing could not be discussed with a
man who was P.G. of the U.S. President
that if there was going to be an military
operation it would have to be discussed
elsewhere but that before he cannot be
asked to even consider the matter in the
plan.

I felt sorry for Liddy, but I felt
no one had given him power. I did not
believe it was role to get him even
warned, but he did feel better it was
my role to stop what I saw developing.

After the meeting I informed Liddy that I
would never discuss his situation - a decision
with him, and that he should not look
for any more information, or see
anyone in that matter.

I told him that as a military, would be
limited to discussion of election laws and Liddy
respected that request. I was instructed
to be subject with Jim's history of.

1279

Also after that meeting I informed him of what we had heard discussed, how he just said I had terminated the discussion, and that if these things were going on that no one in the unit should be involved. I told him that I had refused Lecky's point I would not discuss this subject with him and I felt confident Lecky would agree. I ~~assured him~~ ~~from him~~ that I felt assured and told him I would not become involved in any way in the 1701 military operations and I never did.

~~# I am not involved~~

I received no telephone from 1701 and I can not recall ever providing any information re demonstrators, etc. to 1701 ~~from that source~~

When I provided all before I received to 1701 via Strickland.

I have no firsthand knowledge (pre June 1970) as to what he was or was not doing regarding Lecky's military gathering plans.

I never discussed this subject with anyone at 1701, the unit or on the bases at Langham before June 1970.

1280

I just found that out in that (Dean's) office,
 that it was a casual introduction meeting in
 his own office. I never seen work with HH
 or discussed anything being with him at any time.

I know none of the women

I may have met James McLeod, but I can
 not recall for certain.

[Added] recall Laddy's but had accident
 told me told it was a candle to prove
 his strength. I called Magruder & told
 him what I had heard & that I didn't
 know why J.L. had done this, but I thought
 he should keep an eye on G.C.]

[Added re Laddy as lawyer - Shes, H.L., Stans, J.
 gave me good info - thought he was
 performing very well.]

1281

PRE JUNE 17th

(I) WHITE HOUSE INVOLVEMENT AND KNOWLEDGE OF LIDG'S INTELLIGENCE
~~PLANS OPERATION AT CRSP~~

~~Strongly did~~
 During the entire first four years of the Administration the President had been subjected to mass demonstrations relating to the war in V.N. As best as I can recall, in fact take spring or early fall of 1971, I did not actually begin thinking about what ~~circumstances~~ ^{circumstances} might have on the President's reelection campaign and how the Government could improve its ability to ~~execute~~ ^{execute} it. I cannot remember ~~when~~ ^{exactly}, but believe it was in June or July of 1971, that Holt asked me to make a recommendation as to how the reelection committee should handle the problem of demonstrations. Holt raised this with me, because one of my white house responsibilities has been to keep informed regarding potential demonstrations that might affect the President. I ~~first~~ ^{had} been involved in this area while at the DOJ and ~~or~~ when I went to the White House my office served as a liaison ~~officer for~~ ^{officer for} FBI/DOJ and SS intelligence regarding demonstrations. ~~intelligence police~~

[Begin tape]

1283

Before discussing the ^{usually} situation here threats created and how they were dealt with, it might be helpful to understand the characters they travelled through. After Parkinson was placed in the situation of having been given such a threat and expected to respond he informed Mitchell that he was passing the matter along, but did not want to be involved and avoided any further involvement here after. As a result of Parkinson's feelings, Bittman developed contact with Paul O'Brien to pass along such messages. I know that O'Brien was unhappy being in his position, but he represented men who were being subjected to the blackmail and I can only assume that it was his responsibility to not ignore the situation. O'Brien would report the threats that were being transmitted through Bittman to Mitchell, Fred La Rue and me. I, in turn, would pass them on to anyone in the WH who ^{was} affected.

Sometime after Mitchell had received the initial threat he ~~requested~~ requested that I discuss the situation with Matt and Jo and advise them that Herb Kabibach should be called upon to raise some \$70,000 in cash that was necessary to meet the demand. I raised this with Jo and Matt who authorized me to contact Kabibach.

Kabibach, who never ~~asked~~ asks any questions except whether I and Matt want him to do something — proceeded to collect the money and deliver it per instructions from Fred La Rue. I have never discussed the details of this matter with Kabibach and he merely told me that it was done.

1285

while we tried to determine how to get rid of him in a manner that was legal, but didn't compound ~~the~~ problems.

Mitchell requested that I asked Hatt for funds from the \$350,000 to meet the then pending demand threat and ~~was told~~ that it could be replenished later. I conveyed this to Hatt, told him that it was a bad situation growing worse, but I could not offer any alternative suggestions. I recall that we delayed for some time making any decision and finally when we were on O'Brien's advice we told it was at the crisis stage. I informed Hatt and he said that I should have Spachman give him the money, but we could get it back as soon as it was possible.

This same basic situation repeated itself again and then again. Finally, Hatt said let's get all the god damn money out of here and have him give us a receipt. Thus Spachman delivered all the money on the last request, but was never given a receipt. While I am not ~~fully~~ aware of the full extent of the threats made against George of CRE, I am aware of two instances where blackmail threats were made to people at the Winna base.

1286

On _____, Mrs. Howard Hunt called Colson ^{Monday} ~~Mr. Colson's~~ secretary, Don Hall, ^{who is a person} ~~himself~~ he call at her home. There was a verbal threat that Colson should do something to resolve the money demands. Colson, to the best of my knowledge had no idea what this was all about, and he referred the matter to me. I told him to advise his secretary not to receive any further calls from Mrs. Hunt. I advised O'Brien of the matter and told him I planned to do nothing to get in touch with Mrs. Hunt, nor was I going to let anyone at the White House contact her.

1287

On March —, 1972 Paul O'Brien came to my office and reported that Hunt had insisted on meeting with him — the prior for March —, 1973. O'Brien reported that Hunt had sent a message directly to me — to tell me that he wanted \$72,050. for personal reimbursement plus \$50,000. for attorney's fees. If he did not receive the funds he would "reconsider his options" and also he would disclose "some of the scary things he had done for JE and Bud know." I asked O'Brien why Hunt had sent that message to me and O'Brien said he asked Hunt he some question to which Hunt said I just want you to pass that message to Dean.

I advised Hunt and JE of this threat and JE asked if I had discussed this with Mitchell and Cohen. I told him I had not and he requested that I do so — and I did with Mitchell but not with Cohen. When this matter came up in a meeting with Mitchell / JE / Hunt and myself on Thursday March —, 1973 Mitchell indicated the threat Cohen posed would be a problem. I am presently not aware of what was done in this instance but how it was resolved.

1288

I have never been in a position to fully evaluate the fact that we were being subjected to blackmail. No one wanted to get involved in this, but all were concerned that there would be some dire impact if the white base did not provide help. No one, to this day, really knows what substance there is to the threat, but we know even being blackmailed, you seem to imagine the worst. Thus, the white base did provide the Committee with funds to deal with the blackmail ~~the~~ demands.

THE BLACKMAIL SITUATION: CONTINUING

At some time shortly before the trial, O'Brien informed me that that Britton had been asked by Hunt to meet with Colson to discuss ~~the~~ the potential of clemency. Britton had informed O'Brien that because of the death of Hunt's wife, Hunt was not capable of standing trial and planned to negotiate a plea of guilty. ~~I guess~~ if he could have some assurance that he would not be in jail the rest of his life. If not, Hunt was going to seek immunity and "tell all", whatever that was. I passed this on to JE and Colson. JE passed that Colson should meet with Britton and hear him out. Colson did meet with Britton and ~~referred him~~ in his office. After the meeting he requested that JE

1289

and I meet with him. Colson ~~was~~ reported that he believed it was essential that Hunt be given some assurances of clemency. I agreed and told Colson to give him a careful response - i.e. an assurance of something, but no hard on definite commitment.

Colson talked with Bottum again and told him that he would give a hard and fixed commitment, but that as Hunt's fixed he would do something he would be able to assist Hunt in getting clemency in approximately a year. Colson noted to Bottum that Christmas time is when the bulk of the clemency actions are taken.

Later feed in from Bottum to O'Brien indicated that he suggested Hunt.

1290

him to the office & take the contents. After
opening the safe BE & PPF sorted the contents
& sent them to the Bky office for safe keeping.
They boxes were delivered to my office
the next morning.

DEAN / JUNE 2001

BE & PPF went through the material. There
were three items that I considered very dangerous
(1) Electric equipment. (2) PPE. (3) The first two items were
related to the wife. (3) the first two items were
a gun & bullet.

in the kind of
concern

I reported what was found in the safe to
JE & colon. It was suggested that I
"decide" the material, but I said I was
unwilling to do that. I express concern for
our company with the Smith and that we
should never hold it in any office because
no one had requested it. I discussed this
with PPF & they agreed. ~~it had been suggested~~
said I would be going to destroy such a
According to the contents were kept in my office.
No incident was made, but my office is secure
so I just left it in boxes, without for
classified (this) which I had stored in a
box.

1291

2. On June 22, 1972 the FBI interviewed Colson.
Colson was told to be present. (What he told
of the 8 days?)

He
was
not
in
the
room

As Colson assured the FBI that he was not
involved he assured me also. He told
me that he was not aware of the fact
that Hunt had gone to work with Liddy,
that despite their alleged close relationship,
they had never really discussed his
activities with CREEP.

- Chuck did inform me that on one
occasion that Hunt & Liddy signed by his
office and informed him that they were
unable to get approval for their operation.
Colson said they employed employees upon
Hunt to call the public and tell the public
to either join in but not. Chuck said he
made the call, but he had no idea
of the full dimensions of the call.

- Colson also told me that he had used
Hunt to inform to given to persons like
Beard during the ITT controversy. He told
me Colson said he did not know that Hunt
had developed a working relationship with
James A. Baker. Because when Colson asked if
Hunt was he would pay for it, Hunt would
up the figure and said he would \$1000 & give by
himself.

1293

The only person who is aware of this the
 identity of this person is the person.
 The person who was asking for me to
 tell them when I was being interviewed by
 about rapidly potential taking he was
 asking me to rapidly his taking of material
 over the FBI. I ~~did not~~ refused
 to person any self under any circumstances
 and I knew if I raised this matter it
 could create problems. Accordingly, I discussed
 my interview with Silby, informed person why,
 and discussed. Because the wife, people came
 up during the trial, my testimony was erroneous.
 I just stated, however, that it can only
 come from someone, found in that office
 was found over to the FBI. I have no personal
 knowledge of a missing "package" note took
 or then hidden book.

No other person was making the fact that
 the materials were in my office for some six
 days is that I was uncomfortable as to
 when I used authority is given and was
 found in that side which was very interesting,
 i.e. the electronic equipment. After discussing
 this matter in detail with several times with
 being known at that time, I decided it was
 not for me to judge if nothing he might be
 was first seen by the FBI.

10. On March 26, 1973 the Los Angeles Times reported that James McCord had told investigators for the Senate Select Committee that both John Dean and Jeb Magruder had prior knowledge of the break-in at the DNC headquarters. On this same morning, H. R. Haldeman, who was with the President in Key Biscayne, Florida called Dean at Camp David. They discussed Dean's recollection of facts relating to the authorization of the Liddy Plan. Haldeman has testified that he asked Dean if he would have any problems if the President announced that day that he was requesting that Dean go to the grand jury without immunity; Dean replied that he would have no problem with appearing before the grand jury, but that his testimony concerning the number and purpose of the meetings among Dean, John Mitchell, Gordon Liddy and Magruder would conflict with the testimony previously given by Magruder; Dean stated that there were other areas of concern, such as payments to the defendants by Kalmbach, the \$350,000, the Hunt threat, and Colson's talk about helping Hunt. Following his telephone call with Dean, Haldeman met with the President. Haldeman has testified that the President decided to drop his plan to announce that Dean would be requesting an appearance immediately before the grand jury. Haldeman has testified that the problem was that Dean had not really sorted out the facts at that point and it was not appropriate for him to go to the grand jury.

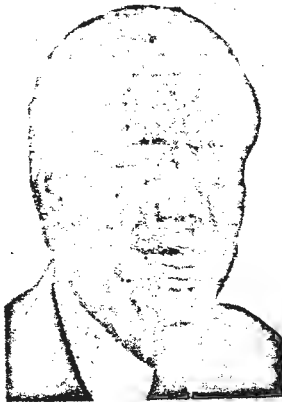
	Page
10.1 <u>Los Angeles Times</u> , March 26, 1973, 1, 12.....	313
10.2 Meetings and conversations between the President and H. R. Haldeman, March 26, 1973 (received from White House).....	315
10.3 H. R. Haldeman calendar, March 26, 1973 (received from SSC).....	316
10.4 H. R. Haldeman testimony, 7 SSC 2901-2902.....	317

McCord Says Dean, Magruder Knew in Advance of Bugging

Claims Political Pressure, Lying on Watergate

BY ROBERT L. JACKSON
and RONALD J. OSTROW

Times Staff Writers



John W. Dean III
UP photo

WASHINGTON — Convicted Watergate conspirator James W. McCord Jr. has told Senate investigators that White House counsel John W. Dean III and former presidential aide Jeb Stuart Magruder had prior knowledge of the bugging of Democratic National Committee headquarters last year. The Times learned Sunday.

McCord's accusations were made during private sessions Friday and Saturday with Samuel Dash, chief counsel for the special Senate committee investigating the Watergate case and related matters.

Dean was the man named by President Nixon last summer to conduct a separate Watergate investigation for the White House to learn if any Administration officials were involved.

During the FBI's investigation of the case, Dean also sat in on the questioning of White House personnel, according to testimony of L. Patrick Gray III, acting FBI director.

Will Give 'Documentation'

Dash said Sunday in a news conference that McCord told him he would give the committee "documentation and other information that will corroborate his testimony."



Jeb Stuart Magruder
Times photo

McCord, elaborating on a letter made public in court Friday in which he charged that political pressure and perjury marred January Watergate trial, told Dash that Magruder perjured himself during the trial according to a source familiar with the interviews.

McCord said Magruder was not telling the truth when he denied advance knowledge of the break-in at Democratic Headquarters in the Watergate complex last June 17, the source said. McCord said Magruder also should have named Dean as another having prior knowledge, the source said.

Magruder, who was deputy director of President Nixon's reelection campaign, denied McCord's charges concerning him Sunday night.

Claims No 'Prior Knowledge'

"As I have stated before, and as has been stated by Mr. (John N.) Mitchell (former attorney general and Nixon campaign director), we did not have prior knowledge of the bugging," Magruder said.

"I have no idea about anyone outside our committee. I cannot speak for John (Dean)."

Magruder is presently director of policy development for the Commerce Department.

Dean could not be reached for comment. However, at the Florida White House, Gerald Warren, deputy press secretary, said: "We categorically deny that Dean had any prior knowledge."

McCord told Dash that Dean had knowledge of and was involved in preparations for the bugging. The

Please Turn to Page 12, Col. 1

12 Fri-Mon, Mar. 26, 1973

McCord Says Pair Knew of Watergate

Continued from First Page
Times' source said.

But McCord refused to provide the committee with further details pending his private meeting this week with Chief U.S. Dist. Judge John J. Sirica, who delayed his sentencing last Friday and urged McCord and other defendants to cooperate with the Senate committee and the federal grand jury.

McCord faces a maximum sentence of 45 years in prison and a \$50,000 fine.

Charges Others

McCord, the source said, charged that others besides Dean and Magruder had advance knowledge of the Watergate operation but told Dash he would supply their names later.

Dash also said at Sunday's press conference that he and another committee investigator had met with McCord and McCord had named other persons not yet prosecuted and added that he "will continue to."

Although Dash declined to disclose any information that McCord had supplied during their weekend sessions, he described the former GOP security director as "a very valuable witness."

Dash, a law professor with considerable experience as a prosecutor and defense attorney, told newsmen he was "thoroughly impressed with Mr. McCord's sincerity in giving us a full and honest disclosure."

'Documentation' Pledge

McCord, it was learned, also told Dash that former White House consultant E. Howard Hunt Jr., who pleaded guilty to all charges against him early in the Watergate trial, expected pressure on four anti-GOP activists from "the administration" to plead guilty to the same charges.

men told him that Hunt promised "executive clemency" and monthly payments to them, the source said. McCord also claimed he was pressured himself to plead guilty but did not give further details, it was reported.

Only McCord and G. Gordon Liddy, the Nixon campaign's former financial counsel, stood trial and were convicted.

McCord's allegations that Dean had advance knowledge of the bugging are likely to further complicate Senate confirmation of Gray as FBI director.

Gray has testified at Senate Judiciary Committee hearings on his embattled nomination that he sent Dean 82 FBI interview reports in the Watergate investigation without telling Atty. Gen. Richard G. Kleindienst or anyone in the FBI. Gray also told the committee that Dean sat in on the FBI's questioning of White House personnel.

Gray said he took these actions because Dean requested them in line with his assignment from President Nixon to ascertain whether any White House employees were involved in the Watergate affair.

Testimony Invited

The Judiciary Committee invited Dean to testify, but the President's counsel declined to appear, citing executive privilege. He offered instead to answer written questions, but committee Democrats condemned the offer and no vote has been taken on it.

President Nixon last Aug. 29, during Dean's investigation of the Watergate affair, said no one in the administration was involved.



Samuel Dash
in Washington

involved in the Watergate cases, a declaration the White House has repeatedly invoked. Mr. Nixon presumably used these words because Hunt was a former White House consultant and Liddy was on the White House staff before moving to the reelection committee.

Dash, asked about President Nixon's statement concerning presently employed members of his administration, said: "I don't want to comment."

Dash said McCord's information would not be made public until the committee had time to confirm and corroborate it. He said this probably would take place at a public hearing, possibly as early as May.

"McCord, according to Dash, intends to give information that would clear the names of some persons mentioned in news reports

on the case as well as to implicate others.

McCord, in his interviews with Dash and committee investigator Harold Lipset, clarified the statement in his letter to Judge Sirica that he did not feel confident in talking with the FBI.

"He said he made that statement only because of the revelations at the Judiciary Committee hearings on the confirmation of Mr. Gray—that information obtained by the FBI in the Watergate investigation was given to White House officials," Dash said.

McCord also told Dash that he feared any information he might give the grand jury in the presence of Justice Department prosecutors "would be made immediately available to White House officials," Dash said.

Dash said he would try to contact lawyers for the other six defendants today. He said it was "understandable" that they had not contacted him yet, because "some soul-searching has to take place."

Dash's sessions with McCord, which each ran three hours and were tape-recorded, were conducted in the law office of Bernard Fensterwald, who was acting as substitute counsel for McCord. His regular lawyer, Gerald Alch, was out of town over the weekend.

10.2 MEETINGS AND CONVERSATIONS BETWEEN THE PRESIDENT AND H.R. HALDEMAN,
MARCH 26, 1973

H. R. Haldeman

- 59 -

March 24, 1973

AM 11:36 President placed local call to Haldeman

PM 12:15 2:55 President met with Haldeman

March 25, 1973

AM 9:35 President placed local call to Haldeman

10:10 1:05 President met with Haldeman

March 26, 1973

AM 9:39 President placed local call to Haldeman

10:15 1:00PM President met with Haldeman

Ziegler

11:00 - 12:15

PM 1:15 3:45 President met with Haldeman

Ziegler

3:10 - 3:11

March 27, 1973

AM 9:47 10:55 President met with Haldeman

11:35 1:30PM President met with Haldeman

Ehrlichman

11:10 - 1:30

Ziegler

11:30 - 11:40

Bull

11:45 - 11:46 and

1:16 1:17

PM 4:20 5:20 President met with Haldeman

6:05 7:10 President met with Haldeman

March 28, 1973

AM 8:45 9:00 President met with Haldeman

PM 12:45 1:45 President met with Haldeman

Bull

1:16 - 1:17

4:20 4:40 President met with Mr. Haldeman

7:17 7:32 President placed local call to Haldeman

8:50 9:09 President received local call from Haldeman

Monday, March 26

85

1973 APRIL 1973						
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over the following week, regarding the White House staff going to the Senate committee without executive privilege; but more importantly, regarding the assignment to John Dean to prepare a full and complete report on all of the facts of the matter. After the March 22 meeting in the afternoon, the President left for Key Biscayne. The rest of us remained in Washington. I went to Key Biscayne the next morning to join the President for the weekend. John Dean went home to write his report, but found that he was besieged by reporters as a result of the Pat Gray allegation that he had lied, and so the President, in talking to him on the phone the next day, suggested that he go to Camp David where he would be free from the press and would have an uninterrupted opportunity to get his report prepared. I am convinced that there was a discussion of Dean writing a report, and that when we left the meeting on the afternoon of the 22d it was clear in all of our minds that that was Dean's assignment and that he was expected to do so over the next couple of days.

CAMP DAVID

Over the weekend that Dean was at Camp David I had several phone conversations with him. There was a story that Dean and Magruder knew about the bugging and that was a matter of concern to Dean with which he was dealing. He had obviously been working on the report he was supposed to be preparing and perhaps talking to people. He seemed now to feel that Magruder was definitely involved. He gave that indication, which he had given before, on the phone. He was not at all sure about whether or not Mitchell was involved.

On the 26th, I had a long phone call with Dean. It is interesting because he said there was no communication on that day of any significance.

I had called Dean—this is on the 26th—to ask if he would have any problem if the President announced that day that he was requesting that Dean be called to the grand jury without immunity, and I specified that because in the earlier discussions Dean had made the point of immunity. Dean said, "No, I would have no problem with that." Then he said, "I have been working on this whole thing and trying to analyze what our problems are."

He said there is a problem with Magruder regarding the planning meetings, because apparently he has testified as to the number of meetings and the content of the meetings and his testimony was different than what mine would be if I went to the grand jury now. He said there was only one meeting, and it was for the purpose of discussing campaign spending laws; while, in fact, there were two meetings and they were for the purpose of discussing intelligence presentations by Liddy.

He said, "In looking over this whole thing, there are several areas of concern. One is the blackmail area. Blackmail started way back." This was the first time he spelled this out to me. Mitchell was hit by Parkinson or O'Brien, who were hit by Bittman, who was hit by Hunt, who had been hit by the defendants saying that they needed money and if they did not get it they were going to cause trouble. It was not spelled out much more than that, I do not think.

Mitchell told Dean—this is Dean now recounting to me what his report apparently was showing—to tell Haldeman and Ehrlichman to get Kalmbach to raise the money and Dean did. Kalmbach raised some \$70,000, which he gave to LaRue.

Then, we got to the question of the \$350,000 and there was a problem there because the \$22,000 was spent out of that and there was a problem of how to return it and account for the missing \$22,000.

Then there was the problem of blackmail to the White House directly. He said there were two instances of that, one—Mrs. Hunt called Colson's secretary and said something about a demand for money. The other was Hunt's the preceding week.

Regarding clemency, he said Colson talked to Bittman. He did not make any commitment but told him he would help.

He referred to a letter McCord had written to Caulfield requesting a meeting. Mitchell told Dean to have him see him and find out what he was up to.

Another problem area was Dean's delay in turning over the evidence in Hunt's safe to the FBI. Another was a call Liddy had made to Krogh. Apparently, he had been given a brushoff by Krogh and that had made Liddy mad.

Following that phone call, the President dropped his plan to announce that Mr. Dean would be requesting an appearance immediately before the grand jury in order to lay out all the facts as he knew them. The problem was that Dean had not really sorted out the facts at that point and it was not appropriate for him to go to the grand jury.

Dean has said in his testimony that there was no discussion in the March 26 phone call of his going to the grand jury—yet, that was the reason for the call.

In one of the phone calls from Camp David, I believe on the 27th, Dean told me that he had talked with Paul O'Brien who had told him Magruder had said that he had gone ahead with the Watergate operation on orders from Strachan, who said Haldeman had ordered it because the President wanted it done. This is the same report that Dean testified he had given to me in early February. Another confusion in dates—but an important one.

By the 30th, Dean had not delivered any report and he said he had not been able to write one; and the President stopped dealing with Dean. In effect, he had stopped dealing with him after the 23d.

I do not believe my attitude toward Dean had changed at that point. I was puzzled and maybe Dean was reading some puzzlement; but I had been in frequent communication with him in quite lengthy phone conversations while he was at Camp David—contrary to the implication he has created that he was practically incommunicado while he was up there. I had the feeling that he was telling me quite openly what the problems were and what he was trying to work out.

On March 30, the President made the announcement that nobody in the White House would go to the Senate hearings but that all members of the White House staff would, of course, appear before the grand jury, if called, and would cooperate fully.

Also on the 30th, the President put Mr. Ehrlichman officially on the Watergate investigation and told him to develop the facts in the case and try again to get to a final conclusion.

11. On March 26, 1973 the President, in the presence of H. R. Haldeman, instructed Ronald Ziegler, his press secretary, to express the President's confidence in John Dean. Ziegler announced publicly on that day that the President had "absolute and total" confidence in Dean.

	Page
11.1 Ronald Ziegler testimony, Watergate Grand Jury, February 12, 1974, 62-65 (received from Watergate Grand Jury).....	320
11.2 <u>Los Angeles Times</u> , March 27, 1973, 1, 11.....	324
11.3 AP and UPI wire clips, March 26, 1973 (received from Watergate Grand Jury).....	325

DV

1 recall that?

2 A Yes, I can.

3 Q That was on the 23rd. Do you recall making a state-
4 ment personally to the press on the 26th indicating that the
5 President had called Mr. Dean to discuss the Los Angeles Times
6 story with him?

7 A I recall making the statement on the 26th, yes.

8 Q What statement do you recall making?

9 A I recall making a statement on the 26th that the
10 President had confidence in Mr. Dean.

11 Q Did you make that statement as well?

12 A Yes, I did. I made the statement. The President
13 didn't. I made the statement.

14 Q Do you recall the statement being the President has
15 complete confidence in Mr. Dean?

16 A Yes, I do.

17 Q Do you recall further stating that the President
18 wanted you, Mr. Ziegler, to express his absolute and total
19 confidence in Mr. Dean?

20 A Yes, I do.

21 Q And did you discuss that with the President prior to
22 making it?

23 A Yes, I did.

24 Q And what do you recall your discussion being?

25 A I recall, primarily, that we were having some problems

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63

1 with the -- I'm recalling this conversation -- with the pri-
2 soners of war, at that point, and the major part of my con-
3 versation with the President related to the prisoner of war
4 problem.

5 During the course of that conversation, I briefly
6 raised the point of the McCord letter and I was told to ex-
7 press confidence in Mr. Dean and I did.

8 BY MR. GOLDMAN:

9 Q Was anyone present?

10 A Mr. Haldeman was present.

11 BY MR. BEN-VENISTE:

12 Q Well, did Mr. Haldeman anything?

13 A I don't remember specifically what Mr. Haldeman said
14 or specifically what the President said, but I do remember
15 that the discussion along the lines that we've talked about.

16 We were talking about the North Vietnamese had had
17 a problem or it caused a problem in relation to POW's.

18 Q Did the President tell you he had spoken to Mr.
19 Dean that morning?

20 A No, and I subsequently had cleared that up in a
21 press briefing. I surmized or embellished, in that particular
22 press conference, that it was my understanding that he had

23 Q Where did you get that?

24 A Just an assumption that I drew.

25 Q That he'd spoken to him that morning?

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1 A Yes, that is correct.

2 Q And who told you he hadn't?

3 A Well, later on, the story broke that Mr. Dean -- that
4 the President had not spoken to Mr. Dean that day at Camp
5 David and I checked and publicly stated that, indeed, Haldeman
6 had talked to Mr. Dean on that occasion, and I so stated in
7 the briefing.

8 Q So it wasn't until the press story came out that
9 you corrected your error?

10 A That's right. It wasn't really until the press
11 statement came out that I realized my assumption was incorrect.

12 Q No one from the White House corrected you?

13 A No, they did not.

14 Q After the statement was made?

15 A Because that did not, as I remember, play that domi-
16 nant part in the story.

17 Q Well, for any reason, no one corrected you?

18 A No, they did not.

19 Q No one corrected you in terms of expressing the
20 President's completely and absolute total confidence in Mr.
21 Dean?

22 A No. And I must say that the embellishment in the
23 statement itself was partially mine. I was not given the
24 precise language from the President.

25 Q Generally, you better vouch for Mr. Dean as far as

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--65

1 we're concerned, then?

2 A No. It was express confidence in John --

3 Q Express confidence.

4 A That's right.

5 Q And that's the way you did it?

6 A That's right.

7 Q And it didn't strike you as an unusual way to do
8 it at the time, I take it?

9 A No, it didn't, because I had confidence in John
10 Dean.

11 Q Now, did the President or anyone else ever explain
12 to you why he made that statement in view of what the Presi-
13 dent had been told by John Dean as of the 21st?

14 A No, they did not.

15 Q Did you ever ask?

16 A No.

17 Q Do you have any understanding?

18 A I can only give you my understanding in my mind on
19 supposition.

20 Q What is that?

21 A Could I do that?

22 Q What is it?

23 A Well, my impression, during that period, is that the
24 President was trying to -- this is not based on what I knew
25 then, but it's based on what I've been able, in my own mind,

Nixon Voices 'Total Confidence' in Dean After Telephone Talk

McCord's Charge That Attorney Knew of Watergate in Advance Denied; Senator Hints Others Will Be Implicated

BY ROBERT L. JACKSON and RONALD J. OSTROW

Times Staff Writers

WASHINGTON—President Nixon Monday expressed "absolute, total confidence" in his counsel, John W. Dean III, after conferring with him on the Watergate case by telephone from the Florida White House.

Their conversation, announced by presidential Press Secretary Ronald Ziegler, followed disclosure by The Times that convicted Watergate conspirator James W. McCord Jr. had accused Dean of having advance knowledge of the bugging of Democratic national headquarters.

McCord made the charges to Samuel Dash, chief counsel of the select Senate committee probing the Watergate incident, in two tape-recorded interviews last weekend. McCord also said that former presidential aide Jeb Stuart Magruder had prior knowledge of the bugging and that he had perjured himself at the trial.

"The President . . . had an interest in calling his counsel and talking to him about it," Ziegler

said. "As a result of that discussion, I again specifically deny as absolutely false the fact that Mr. Dean had prior knowledge."

Magruder too has denied the accusations.

Meanwhile, there were these developments:

—Sen. Lowell P. Weicker Jr. (R-Conn.), a member of the select committee, told newsmen he believed additional White House aides would be implicated in the Watergate case. Weicker declined to say whether he was referring to Dean or Magruder.

—G. Gordon Liddy, another convicted Watergate conspirator, invoked the Fifth Amendment against

Please Turn to Page 11, Col. 1

Continued from First Page

possible self-incrimination 20 times in refusing to tell a federal grand jury if any other Nixon Administration officials knew of the bugging beforehand. Liddy also would not say whether he had divulged information from bugged Democratic phone conversations to anyone else.

—Ziegler confirmed a report that Dean had called Acting FBI Director L. Patrick Gray III minutes after Gray told a Senate hearing last week that Dean "probably" lied to the FBI in the Watergate investigation. Gray refused Dean's request that he "correct" his remark, Ziegler said. He said the President still supported Gray's nomination.

—McCord, encountered on the street by Washington newspaper columnist Mary McGrory, told her he had made the charges to Dash as reported by The Times. He declined to elaborate, Miss McGrory said.

Atty. Gen. Richard G. Kleindienst said he would ask U.S. Dist. Judge John J. Sirica to share with the Justice Department any new information he gets on the bugging case.



BRIEFING — Ronald Ziegler speaks to newsmen at Key Biscayne.

(A Wirephoto)

Committee Criticized

Ziegler, in discussing the allegations against Dean, criticized the select committee's handling of its Watergate investigation.

He said that Dash, in his "hastily called" Sunday press conference to announce that the committee had interviewed McCord, was not proceeding in the orderly and judicious way promised by committee Chairman Sam J. Ervin Jr. (D-N.C.).

Liddy, appearing before a new session of the federal grand jury that indicted the seven Watergate defendants last September, declined to answer such questions as:

"Do you know directly or indirectly of any advance knowledge of the Watergate break-in by others?"

"Did you discuss the break-in with anyone at the Committee to Reelect the President after last June 17?"

"Do you know anyone who had information derived from logs of bugged telephone conversations?"

Another Refusal

Liddy also declined to say whether he had discussed the results of the bugging with anyone other than the other defendants.

A former White House and Treasury official and ex-financial counsel to the Nixon campaign, Liddy looked pale and thin. He had a bloodied left ear, the result of a fight with a cellmate over possession of Liddy's hair brush.

To some of the questions, Liddy asserted his Fifth Amendment protection along with claims that he had an attorney-client relationship with E. Howard Hunt Jr., a former White House consultant who pleaded guilty to bugging and conspiracy charges early in the trial. Liddy is a lawyer.

After 80 minutes of fruitless questioning, government prosecutors went into court to ask Sirica to grant Liddy immunity from further prosecution so that he might testify.

Sirica granted a motion by Liddy's attorney to delay a decision on this matter until Friday.

The grand jury may call other witnesses, including more convicted Watergate figures, to question them about the possible involvement of others.

Emerging from a closed-door meeting of the select committee, Weicker, Ervin and Sen. Howard H. Baker Jr. (R-Tenn.) declined to comment on a briefing from Dash about McCord's statements.

Baker did say he was certain that news reports of McCord's statements "will in no way prejudice our objective evaluation" of the Watergate case.

Asked about Mr. Nixon's expression of total confidence in Dean, Weicker said: "The President is entitled to his opinion. The committee is entitled to pursue its objective, and the American people are entitled to the truth."

Weicker made clear that his criticism of the White House did not extend to the President.

"I have complete faith in the President, in the fact that he personally has nothing to hide," Weicker said. "I restrict my comments to the President of the United States."

The President returned to the White House Monday evening after a five-day stay in Florida.

Indistinct document retyped by
House Judiciary Committee staff

(DEAN)

KEY BISCAYNE (UPI) -- PRESIDENT NIXON MONDAY EXPRESSED "ABSOLUTE AND TOTAL CONFIDENCE" IN WHITE COUNSEL JOHN W. DEAN III, WHO [unreadable] LOS ANGELES TIMES SAID HAD BEEN IDENTIFIED BY CONVICTED WATERGATE CONSPIRATOR JAMES MCCORD AS HAVING BEEN INVOLVED IN THE BUGGING OF THE DEMOCRATIC NATIONAL COMMITTEE.

PRESS SECRETARY RONALD ZIEGLER SAID NIXON CALLED DEAN IN WASHINGTON TO "DISCUSS THE STORY WITH HIM."

FOLLOWING THAT CONVERSATION, AND BASED ON THAT CONVERSATION, I [unreadable] AGAIN FLATLY DENY ANY PRIOR KNOWLEDGE ON THE PART OF MR. DEAN REGARDING THE WATERGATE MATTER, " ZIEGLER SAID.

[unreadable] THE PRESIDENT HAS COMPLETE CONFIDENCE IN MR. DEAN. HE WANTED ME TO EXPRESS HIS ABSOLUTE AND TOAL CONFIDENCE IN MR. DEAN."

ZIEGLER SAID DEAN'S PRIVATE ATTORNEY CALLED NEWS ORGANIZATIONS TO [unreadable] POSSIBLE LIBEL ACTIONS PRIOR TO THE PRESIDENT'S CONVERSATION [unreadable]. BUT HE ADDED, "OF COURSE THAT'S MR. DEAN'S PEROGATIVE (sic) AS A [unreadable] TO PROCEED AFTER HE HAS BEEN FALSELY MALIGNED."

ZIEGLER SAID THE PRESIDENT DID NOT SPEAK BY TELEPHONE WITH JEB STUART MAGRUDER, NIXON'S FORMER ASSISTANT CAMPAIGN MANAGER, WHO WAS [unreadable] IN THE LOS ANGELES TIMES REPORT.

MR. ZIEGLER SAID MAGRUDER HAS DENIED ANY INVOLVEMENT IN THE CASE. ZIEGLER ALSO CRITICIZED SAMUEL DASH, COUNSEL TO THE SPECIAL SENATE [unreadable] COMMITTEE, FOR CONDUCTING A "HASTILY CALLED SUNDAY AFTERNOON PRESS CONFERENCE" TO REVEAL THAT HE HAD QUESTIONED MCCORD. "THIS DOES NOT SEEM TO ME TO BE AN ORDERLY AND JUDICIOUS [unreadable]." ZIEGLER SAID.

UPI 03-26 03:09 PES

Indistinct document retyped by
House Judiciary Committee staff

DV

(0225)

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Indistinct document retyped by
House Judiciary Committee staff

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Watergate Bjt [unreadable] 460

By JOHN CHALWICK
Associated Press Writer

WASHINGTON AP - The White House Monday denied that presidential counsel John W. Dean III had prior knowledge of the Watergate bugging incident and quoted President Nixon as voicing "absolute and total confidence" in Dean.

The statement was issued at Key Biscayne, Fla., where Nixon was staying.

At the Capitol, the Senate's special Watergate investigating committee was urged by Republican Leader Hugh Scott to hold public hearings as quickly as possible.

"We should have the full story," Scott told newsmen. He said last week Nixon had authorized him to say that the White House had nothing to conceal.

Scott's comments were made shortly before a closed meeting of the committee set up by the Senate to investigate the bugging of Democratic headquarters in the Watergate complex and other alleged political espionage and sabotage in last year's presidential campaign.

White House Press Secretary Ronald L. Ziegler said the President telephoned Dean in Washington during the morning because of what Ziegler called very extraordinary and serious charges leveled against Dean.

He was referring to a report by the Los Angeles Times that James W. McCord, jr., (sic) one of the convicted Watergate defendants, had told a Senate investigator that Dean and Jeb Stuart Magruder, a former presidential assistant and campaign official, had prior knowledge of the Watergate incident last June.

Ziegler said that, based on Nixon's conversation, "I will again deny any prior knowledge on the part of Mr. Dean."

Then asked about Magruder, Ziegler said "I'm not prepared to speak for those who are not on the White House staff." He noted that Magruder has denied having any advance knowledge of the affair. McCord met Friday and Saturday with Samuel Dash, chief counsel of the Senate panel. Dash told a news conference Sunday that McCord had named others who were involved, but Dash declined to say who they were.

McCord, encountered on a Washington street Monday by a Star-News reporter said that published accounts of what he had told the Senate aides were correct. He would not elaborate.

McCord apparently was referring to the Los Angeles Times reports. Dash said that McCord, an ex-FBI and CIA agent who was security director of the Committee for the Re-Election of the President, has agreed to continue to meet with him and tell all he knows about the Watergate affair.

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House Judiciary Committee staff

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House Judiciary Committee staff

SCOTT said anything made available to the investigating committee's Democratic majority should be made equally available to the Republican minority "so we can make a judgment" on the fairness of the probe.

Democratic Leader Mike Mansfield, asked by newsmen about the Watergate bugging, said "my personal feeling is that the President very likely didn't know what was going on."
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House Judiciary Committee staff

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11:11u UPI
Watergate 2 Jt 15 460

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cr439pc mar 26

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12. March 26, 1973 John Dean telephoned Jeb Magruder and Dean made a recording of the conversation. Dean has testified that at Haldeman's suggestion he telephoned Magruder and taped this conversation. Magruder acknowledged that the Los Angeles Times story stating that Dean had prior knowledge of the break-in was a "bum rap" for Dean. There was also discussion about the number and purpose of meetings among John Mitchell, Gordon Liddy, Magruder and Dean. Magruder told Dean that Magruder had testified that there had been "one meeting, not two," and that the purpose of the meeting was to go over the general framework of the job of CRP general counsel.

	Page
12.1 John Dean testimony, 3 SSC 1004.....	332
12.2 Taped conversation between Dean and Magruder, March 26, 1973, SSC Exhibit No. 34-40, 3 SSC 1258-59.....	333

1004

cepts on previous occasions, but we still did not have an answer that would bring the full truth out because of the criminal implications of the behavior of those involved.

On Saturday, I began reconstructing all I knew and began writing a report. I spent Saturday afternoon and evening, Sunday, and Monday reconstructing and writing. On Monday I asked my secretary to come to Camp David, bring certain documents that I had requested, and commence typing. I did not realize how difficult it would be to reconstruct my knowledge from memory. I had not kept a diary or even a calendar of all my activities, thus, I have been reconstructing my knowledge of this matter since March 23 to this day.

On Sunday evening, March 25, I was informed that the Los Angeles Times and the Washington Post were going to print a story that Magruder and I had prior knowledge of the June 17 bugging of the Democratic National Committee. I considered the story libelous then, as I do today. Upon learning that the story was going to be printed, I contacted an attorney, Mr. Tom Hogan, who was familiar with libel law. We discussed the matter. He then decided to put the newspapers on notice to preserve a libel suit in the event they printed the story. I also told Mr. Hogan that when I returned from Camp David that I wanted to talk with him about this entire matter and asked him to think about someone who was a good criminal lawyer because I was planning to take certain steps in the near future. I might add that it was my thinking at that time that I would explain all the facts to a knowledgeable criminal lawyer to determine the potential problems of everyone involved—from the President on down—to get independent advice on what I should do.

On Monday morning, March 26, I had a conversation with Haldeman about the story in the Los Angeles Times. I told him I was prepared to file a libel suit and had retained a lawyer to put the newspapers on notice. I told him that he knew that I had not known of the June 17 Watergate break-in in advance, that my knowledge of the entire matter ended with the second meeting in Mitchell's office. I told Haldeman that Magruder knew that I had no prior knowledge, but I did not know if he would admit it publicly. Haldeman concurred in the fact that I had no prior knowledge and suggested I call Magruder and tape his conversation.

I did call Magruder and by using a dictaphone held to the receiver, I recorded the call. I have submitted a transcript of this conversation to the committee; the long and short of this conversation was that Magruder acknowledged that the newspaper accounts were a "bum rap" for me because I had not had prior knowledge of the break-in.

[The transcript was marked exhibit No. 34-40.*]

Mr. DEAN. My secretary arrived at Camp David on Monday afternoon and began typing the report. On Monday night, I had given additional thought to how the President might get out in front of this matter and how we could get everyone involved to speak the truth. I called Moore, who is fairly conservative in his solutions to problems, and told him of my idea, which I said was so far out that I thought it might solve the awful problem. I have submitted to the committee a copy of my notes outlining my concept.

[The document was marked exhibit No. 34-41.**]

*See p. 1258.

**See p. 1261.

EXHIBIT No. 34-40

DEAN: Is he in, John Dean calling.
MAGRUDER: Hello.
DEAN: Hi, Jeb.
MAGRUDER: Hello.
DEAN: How are you doing?
MAGRUDER: I'm doing fine; how are you doing?
DEAN: Pretty well, incredible.
MAGRUDER: Is it?
DEAN: Just incredible.
MAGRUDER: Well the L.A. Times, God, we got splashed all over that one, let me tell you.
DEAN: Is that right?
MAGRUDER: I haven't seen it yet but my friend called me, said Christ you take up the whole front page.
DEAN: Is that right?
MAGRUDER: Yea, you and I, pictures, the whole works.
DEAN: I'm taking a bum rap, Jeb.
MAGRUDER: Well I know that.
DEAN: That's the incredible thing.
MAGRUDER: We've got to figure—John, I think we gotta just figure out how we can handle this. I don't know what we—I mean I don't know what we can do right now, I don't know if there is anything we can do right now.
DEAN: We'll just have to take the heat right now until the thing sorts itself out. I can't conceive of how McCord could have that impression.
MAGRUDER: Now I'll tell you what—John, can we talk here?
DEAN: Yea.
MAGRUDER: Okay. Here's what I figure has happened. And I'm positive of this. One, John, there is absolutely no substantive evidence that McCord could possibly have in any way, shape or form that could connect anyone other than the seven of us. Okay.
DEAN: Yes.
MAGRUDER: I'm positive of that. Now I've gone right—you know I just went back through the process, was there anything at all that even could remotely imply any connection. Okay.
DEAN: Yes.
MAGRUDER: So there is no evidence of what I call documentation. Now what he probably may have, John, is that when Liddy probably was working up numbers for his own benefit, and doing that kind of work, he probably used McCord to do that, because McCord bought all his equipment according to Silberts.
DEAN: But Liddy knows damn good and well that the last time that I, for example, had any conversation with him on that thing was when we walked out of that office and I told him I could not talk to him about it any further and he never—he—he never once ever raised it.
MAGRUDER: I'm sure he must have raised—I'm sure thought when he talked to his friend McCord—
DEAN: He was a name dropper.
MAGRUDER: He's a name dropper. And I'm sure he said that well you know I don't really trust this idiot Magruder but Mitchell and Dean and Haldeman are all behind it and Gordon Strachan, I'm sure that obviously Mitchell's name will come up and I would take a guess if he still said "others" if you noticed, which is pure—
DEAN: That's right, that's right.
MAGRUDER: So he is going to be talking probably about Mitchell and I would take a guess either Gordon Strachan or Colson. That would be my guess.
DEAN: Just incredible.
MAGRUDER: So, one, he had no substantive evidence, I'm positive of that; two, what he is probably referring to is simply discussions that Liddy had with him as they sat around drinking at the Watergate. You know—and only that. McCord never met with either myself or anyone else at our committee.

(1258)

1259

DEAN: Yes.

MAGRUDER: Never, so there is no personal discussion he would have of any kind.

DEAN: Well I thought maybe I was losing my mind. But I know—I know what I know and I know that one, I tried to turn the damn thing off.

MAGRUDER: Right.

DEAN: I know that I'd told Haldeman after that meeting that it had to be turned off. Now what happened in the interim I don't have any idea, I don't want to know, I can only opine and speculate.

MAGRUDER: I would hope so, John, of course on that meeting that I have testified that that meeting that we've had with Liddy and Mitchell was simply on the general counsel's job and so on.

DEAN: I understand.

MAGRUDER: I mean that's important I think, you know for Mitchell's and my—

DEAN: Well I don't plan to go out and talk in any forum.

MAGRUDER: You know, if we ever get to the grand jury stage, I think they—I have testified that that meeting that you and I had was one meeting, not two, and that we had a meeting with Mitchell that just went over—since you had been helping me as a counsel—that we just went over the general framework of the job and the new law and those kind of problems, the typical cursory sort of post-employment meeting. That that was the extent of it.

DEAN: Well I was just trying to get straight in my own mind, you know, in case a guy like Liddy goes and starts giving his side of the story and—

MAGRUDER: Well, if he did, of course what he would say is ———. You know that's one thing I would hope we'd be working on and that part is Liddy.

DEAN: Yea.

MAGRUDER: But McCord's information would only be hearsay, it would only have been from Liddy.

DEAN: Okay, Jeb, well all we can do is sit tight right now.

MAGRUDER: A couple of other points, John, let me ask you. Parkinson wants to sit down with me and is going to represent me and as far as I'm concerned that's appropriate.

DEAN: I think that that's a personal decision of yours, by yourself, and that you know he's knowledgeable and I think that's quite a good idea.

MAGRUDER: Well I mean, you know, from my standpoint, it would seem that somebody who is well aware of the situation and it would look funny it would seem to me if I changed attorneys.

DEAN: I agree, I think that's a good idea for you.

MAGRUDER: And he is certainly qualified.

DEAN: And I do think you ought to have counsel too.

MAGRUDER: What?

DEAN: I do think you ought to have a lawyer who's representing you per se.

MAGRUDER: Well that would be what he would—you mean another one?

DEAN: Well I mean no—I mean like Parkinson.

MAGRUDER: Right, well that's what I thought because I think for sure we're going to have to—I'm going to have to rely on you or whatever when we have to go down to the grand jury.

DEAN: I would imagine that day is coming.

MAGRUDER: That's right. Of course, I think we have a hell of a case on the bond and who placed the bond for him and the written statement, how well it was done and why he waited until the last day. To me that makes it very clear.

DEAN: I don't, I'm not aware of what you are talking about.

MAGRUDER: McCord. In other words, where did McCord get his bond. You know, he got it from a Democratic lawyer. He's got a new lawyer. He's obviously made a deal and a person in that position obviously is panicked facing 8 years or whatever he is facing. And he'll throw out names all over the place, John.

DEAN: I suspect that's true.

MAGRUDER: Just because he knows that's what they want to hear. If you read his letter, his letter is a perfect letter obviously not written by an individual but by a lawyer.

DEAN: I wonder if he drafted it?

MAGRUDER: And he's talking about fifth amendment, sixth amendments rights, all sorts of things that ———.

DEAN: Yea, okay, just hang in.

MAGRUDER: Yea, well that's what I planned on doing and I just wanted to check with you from your standpoint. But I'm positive there's no substantive evidence of any kind.

DEAN: Okay.

13. On March 26, 1973 the District of Columbia United States Attorney's office filed in open court a motion for an order compelling Gordon Liddy to testify under a grant of immunity before the grand jury investigating the Watergate break-in. As of March 27, 1973 Judge Sirica granted leave to proceed forthwith with grand jury interrogation of Howard Hunt and other of the convicted Watergate defendants. From March 28, 1973 through April 5, 1973 hearings were held in open court and orders were entered compelling Howard Hunt, Gordon Liddy and the remaining Watergate defendants to testify before the grand jury under grant of immunity.

	Page
13.1 <u>In re Grand Jury</u> , Misc. 47-73, docket, March 26 1973, March 28 - April 5, 1973.....	336

MISCELLANEOUS DOCKET

United States District Court for the District of Columbia

47-7

Number	Parties	Action	Petitioner's Atty.
47-73	IN RE - GRAND JURY PROCEEDINGS		<p>Earl J. Illert Asst. U.S. Atty.</p> <p>Respondent's Atty. PETER L. MARCULIS THOMAS A. KIMBLEY 1819 H St., N.W. Washington, D. C.</p>
Date	Proceedings	Fees	Total
1973 Mar 26	Letter dated 3-15-73 from Henry E. Petersen, Asst. Atty. Gen. to Harold H. Titus, US Atty., advising that request for authority to apply to USDC for an order requiring George Gordon Liddy to give testimony before grand jury with a grant of immunity pursuant to 18 USC 6003 and 28 CFR 0.175 is approved.		
Mar 26	Motion by US Atty. for D.C. for an order compelling George Gordon Liddy to give testimony before grand jury with a grant of immunity pursuant to 18 USC 6001 et seq., filed in open court, heard in part and continued for further hearing until March 30, 1973; counsel for respondent Liddy to file opp. to motion not later than 10:00 A.M. March 29, 1973; deft. Liddy present and remanded to D. C. Jail. (Rep: N. Sokal) Sirica, C.J.		
Mar 27	<u>AS OF MARCH 27, 1973</u> Case called by Asst. US Atty. for purpose of obtaining leave to Court to proceed immediately with Grand Jury interrogation of Everette Hunt, Bernard L. Barker, Eugenio R. Martinez, Frank A. Sturgis and Virgilio R. Gonzalez; leave to proceed forthwith granted. (Rep: N. Sokal) Sirica, C.J.		
Mar 28	Letter dated 3-15-73 from Henry E. Petersen, Asst. Atty. General, to Harold H. Titus, Jr. U.S. Atty, Granting request for authority to apply to USDC for an order requiring Everette Howard Hunt, Jr., to give testimony with a grant of immunity pursuant to 18 USC 6001 et seq. Filed. Sirica, C.J.		
Mar 28	Motion by U.S. Atty for an order compelling Everette Howard Hunt, Jr. to give testkmony before grand jury with a grant of immunity pur to 18 USC 6001 et seq, Filed in Open Court, Heard & GRANTED. (Rep-N. Sokal) Sirica, C.J.		
Mar 28	Order directing Everette Howard Hunt, Jr., to give testimony before grand jury with a grant of immunity pur to 18 USC 6001 et seq, (N) Sirica, C.J.		
Mar 29	Deft. Liddy's response to Govt motion under Title 18, U.S. Code, Section 6001, et al; c/s 3-29-73, Filed. Sirica, C.J.		
Mar 29	Transcript of proceedings of 3-26-73, pages 1-26, incl; Court's copy. (Rep-N.Sokal) Sirica, C.J.		

(OVER)

IN RE: Grand Jury Proceedings

vs.

No. 47-73

Date	Proceedings	Fees	Total
973			
Mar. 30	Further hearing held on motion by U.S. Atty for an order compelling George Gordon Liddy to give testimony before Grand Jury pursuant to 18 USC 6001 et. seq. Motion by U.S. Atty; <u>Granted</u> . (Rep-N.Sokal) Sirica, C.J.		
Mar. 30	ERROR.		
Apr. 3	Motion by Govt. to adjudicate George Gordon Liddy in contempt for his refusal to answer certain questions before the Grand Jury as he was ordered to on 3-30-73, Filed In Open Court, Heard & Granted. (Rep-N.Sokal) Sirica, C.J.		
Apr. 3	Order finding that George Gordon Liddy has without just cause refused to testify before grand jury as previously ordered & directing that Mr. Liddy be confined until such time as he is willing to testify as ordered, provided, however, that the period of confinement shall not exceed the life of the grand jury, including extensions, & shall in no case exceed 18 months, & further directing that Mr. Liddy be confined in the D.C. Jail for the duration of imprisonment under the contempt statute; counsel for Govt. to prepare proposed findings of fact & conclusions of law to accompany order no later than 4-9-73. (N) Sirica, C.J.		
Apr. 3	Order staying execution of sentence in Cr. 1827-72 as of this date to recommence at the conclusion of his confinement for contempt as ordered. (Original filed in Cr. 1827-72)(N) Sirica, C.J.		
Apr. 4	Motions (4) by US Atty for an order compelling Bernard L. Barker, Eugenio R. Martinez, Frank A. Sturgis & Virgilio R. Gonzalez to give testimony before grand jury with a grant of immunity pur to 18 USC 6001, et. seq, together with letter from Henry E. Petersen, Asst. Atty. General, dated 3-15-73 to Harold H. Titus, Jr., U.S. Atty, Granting request to seek order as to each respondent, Filed in Open Court, Heard & Granted; 4 Orders, one pertaining to each respondent, signed. (Rep-N.Sokal) Sirica, C.J.		
Apr. 5	Copy of Letter dated 3-15-73 from Henry E. Petersen, Asst. Atty. General, to Harold H. Titus, Jr., U.S. Atty, approving request for authority to apply for an order compelling James W. McCord Jr. to testify before grand jury with a grant of immunity pur. to 18 USC 6001 et. seq, filed in Open Court. (Rep-N.Sokal) Sirica, C.J.		
Apr. 5	Motion by Asst. U.S. Atty for an order compelling James W. McCord Jr. to testify before grand jury with a grant of immunity pur. to 18 USC 6001 et. seq, Heard & Granted. (Rep-N.Sokal) Sirica, C.J.		
Apr. 5	Order compelling James W. McCord Jr., testify before grand jury with a grant of immunity pur. to 18 USC, 6001 et. seq. (N) (Rep-N.Sokal) Sirica, C.J.		
Apr. 11	Notice of appeal by deft. George Gordon Liddy from the judgment of April 3, 1973; Copy mailed to Earl J. Silbert, Asst. U.S. Atty; Deposit by Maroulis, \$5.00.	5 00	5 00
Apr. 12	In Re: George Gordon Liddy: Findings of fact & conclusions of Law finding George Gordon Liddy, without just cause, has refused to comply with an order of Court that he testify before grand jury, (N) (Rep-N.Sokal) Sirica, C.J.		

14. On March 27, 1973 Jeb Magruder met with John Mitchell in New York City and discussed the potential of Magruder's being brought before the grand jury on a perjury count. Magruder has testified that he received from Mitchell assurances respecting continued salary and that they discussed executive clemency. Mitchell has testified that with respect to support, he told Magruder that he "was a very outstanding young man and I liked and I worked with and to the extent that I could help him in any conceivable way, I would be delighted to do so." Mitchell has testified that he did not make any promises of executive clemency. During the conversation, Magruder asked for a meeting with Haldeman.

	Page
14.1 Jeb Magruder testimony, 2 SSC 806-07.....	340
14.2 Jeb Magruder testimony, SSC Executive Session, June 12, 1973, 111-12.....	342
14.3 John Mitchell testimony, 4 SSC 1633-34.....	344

Dean began to indicate some reluctance to discuss those meetings in the same terms that I had discussed them at the grand jury, I knew the story would not hold up under a second investigation by your committee, which, of course, had begun to hold hearings and also the grand jury.

Mr. DASH. Did you have a meeting with Mr. Haldeman in January 1973?

Mr. MAGRUDER. Yes; I did.

Mr. DASH. Could you briefly tell us what the nature of that meeting was and what was discussed?

Mr. MAGRUDER. The meeting was for two purposes. I was the director of the inaugural at that time and was to discuss future employment regarding myself and also at that time there was a problem regarding Mr. Porter's employment and I had made certain assurances, Mr. Mitchell had, about his employment and I wanted to be sure Mr. Haldeman was aware of that. And then, third, and I realize now that these were probably taped conversations. I had some conversations with Mr. Dean in his office where he indicated a certain lack of memory to events, and I became rather concerned. He indicated at one point that, wasn't that surprising how this plan was ever put into operation, and I said, "Well, John, surely you remember the meetings we attended?" and he didn't seem to remember those meetings, and I said to myself something is going to happen here if that continues. I think as it turned out these conversations were taped, so I thought I had better see Mr. Haldeman and tell him what had actually happened. I thought probably that this was becoming scapegoat time and maybe I was going to be the scapegoat, and so I went to Mr. Haldeman and I said I just want you to know that this whole Watergate situation and the other activities was a concerted effort by a number of people, and so I went through a literal monologue on what had occurred. That was my first discussion with Mr. Haldeman where I laid out the true facts.

Mr. DASH. Do you know what day or date approximately in January that occurred?

Mr. MAGRUDER. It would have been before the inaugural because we were still working on the inaugural but I would have to look in my diary as to what date specifically.

Mr. DASH. Did there come a time when you met with Mr. Mitchell sometime after the trial?

Mr. MAGRUDER. Yes. Well, the McCord letter basically activated great concern in the sense—

Mr. DASH. That letter, I think the record will show, was March 23.

Mr. MAGRUDER. That is correct.

Mr. DASH. That was read out by Judge Sirica in the courtroom on the sentences on March 23.

Mr. MAGRUDER. That is correct, and that, of course, accelerated the process of concern on, I think, all of the participant parties. I, on Monday, the 25th, went to see the two lawyers for the committee. As you are aware at this time I did not have my own counsel so I was depending on counsel basically from our committee, and I went over my problems with them, which I think were more acute at that time than the other participants and they agreed that I had a serious problem and suggested that I see, retain my own counsel. I think they then transmitted that concern of mine to Mr. Mitchell because on Tuesday he

called me in the Commerce Department and asked me to come to New York. I flew to New York that afternoon, and discussed with him—

Mr. DASH. Do you know, what date that was?

Mr. MAGRUDER. That would be March 27.

Mr. DASH. 27?

Mr. MAGRUDER. A Tuesday.

Mr. DASH. And the year we are talking about 1973?

Mr. MAGRUDER. 1973.

Mr. DASH. What was your discussion with Mr. Mitchell in New York?

Mr. MAGRUDER. Well, I went through all of the problems I thought could occur because of the problems that renewed interest in this case would bring from your committee and from the grand jury and indicated what should I do, and he indicated that I should hold, that he would take care of things, that everything would be taken care of.

Now, at that time I realized that he was no longer directly involved at the White House, as he had been, and so I asked to see Mr. Haldeman with him the next day he was going to Washington.

Mr. DASH. But at that meeting, Mr. Magruder, what did you ask Mr. Mitchell to assure you of?

Mr. MAGRUDER. Again I asked for the same assurances of salary and being taken care of if I had to go away for any period of time.

Mr. DASH. Did you mention Executive clemency?

Mr. MAGRUDER. Yes, I did.

Mr. DASH. Then you say you asked for a meeting with Mr. Haldeman?

Mr. MAGRUDER. Yes, I feel that it would be appropriate since this was something now that he was more directly involved on a day-to-day basis.

Mr. DASH. Did you have that meeting with Mr. Haldeman?

Mr. MAGRUDER. Yes, I did.

Mr. DASH. When?

Mr. MAGRUDER. On the following day, Wednesday, March 28, I think.

Mr. DASH. Who was present?

Mr. MAGRUDER. Mr. Haldeman, Mr. Mitchell, and myself.

Mr. DASH. What was discussed?

Mr. MAGRUDER. Well, we discussed the same things that we had discussed with Mr. Mitchell, that I discussed with Mr. Mitchell. Mr. Haldeman was very careful to indicate to me that he would help me in any way as a friend but could make no commitments for the President; indicated that the real problems were differences of opinion over meetings, particularly the January and February meetings, where, of course, my view was that since the three, Mr. Mitchell, Mr. Dean, and I, had agreed to my testimony that they, therefore, should stay with that agreement.

Mr. Mitchell indicated, of course, he was willing to do this but Mr. Dean indicated that he had some question about it.

Mr. DASH. But, Mr. Magruder at this time everybody knew.

Mr. MAGRUDER. Mr. Haldeman—

Mr. DASH. Everybody knew that that agreement was an agreement based on a false story, was that not true?

Mr. MAGRUDER. Yes, that is correct.

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111

Mr. Magruder. Earlier than that.

Mr. Dash. -- tell us what happened.

Mr. Magruder. We knew the Grand Jury was reconvening and we knew one mistake the prosecutors made, and the only mistake in defense of the prosecutors, that I think they made is they somehow missed Mr. Reisner. I knew as soon as they got to him the thing would collapse and when they got -- when they all got to Mr. Reisner I was fully aware then much more so than McCord because I knew Mr. McCord's testimony would be hearsay but as soon as they got to Reisner I knew that the case would start collapsing rather quickly. So I went up to New York on a Tuesday and talked to Mr. Mitchell and went through the whole list of things I thought that I would need if I was going to be able to keep up with this story.

Mr. Dash. What was that?

Mr. Magruder. Oh, you know, family, taking care of the family, job, that kind of thing. Executive clemency.

Mr. Dash. What did Mr. Mitchell say?

Mr. Magruder. He was very positive but I knew he was only speaking for himself and he made that quite clear. In fact, I said I can't accept it just now from you because you are here in New York, so he asked me to meet with him and Haldeman the next day which I did. At that meeting -- I think Mr. Haldeman taped it as I understand -- Mr. Haldeman was very careful to say he would do anything he could as a friend to help me but he

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couldn't speak for the President. There was a controversy over the meetings.

Mr. Dash. Who was present at that?

Mr. Magruder. Haldeman, Mitchell and myself.

Mr. Dash. When was that?

Mr. Magruder. The Wednesday after the Friday McCord -- the end of the trial. That would be March.

Mr. Dash. March 23 was when Mr. McCord's letter was read.

Mr. Magruder. Tuesday I went to New York, at Mr. Mitchell's request went to New York, discussed the problem. I indicated -- I had already decided that if it got to a Grand Jury place again that I would not be able to personally go through this process again but that I would still try to hold if we could work out some reasonable way we could hold with that story. Then --

Mr. Dash. Then you.

Mr. Magruder. I went through with Mr. Mitchell all the questions.

Mr. Dash. You said that. You weren't satisfied.

Mr. Magruder. I asked to see Mr. Haldeman. We met with

Mr. Haldeman next morning.

Mr. Dash. The 29th?

Mr. Magruder. The 29th.

Mr. Dash. Who was present?

Mr. Magruder. Just the three of us.

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Mr. MITCHELL. Well, I am sure it occurred to me and probably on hindsight I probably should have. I do not think there is any doubt about it.

Mr. DASH. Did you not think it was the President's prerogative to know what to do about these matters?

Mr. MITCHELL. The decision had to be made, and it is a tough one, whether or not he is not involved in it but he does not know about them, will this go away. I knew they were going to change the personnel in the White House and hopefully they would be gone and he would not have to deal with it and he could go on to his second term, the second Presidency, without this problem.

Mr. DASH. But you were taking a major risk, were you not, Mr. Mitchell?

Mr. MITCHELL. I think you are taking a major risk any time you have to deal with the White House horrors under any circumstances.

Mr. DASH. Now, you spoke to the President quite frequently on the telephone, you met with him, your logs indicate, so you did have plenty of opportunities, and on no occasion, I think it is your testimony, did you speak to the President about these matters?

Mr. MITCHELL. Now, which matters are we talking about?

Mr. DASH. Again, the White House—

Mr. MITCHELL. About disclosing these matters.

Mr. DASH. Disclosing the matters, the White House horrors, the break-in.

Mr. MITCHELL. I did not—well, let us not pass this over to the point where—on the 20th of June when I talked to him I apologized to him for not knowing what the hell had happened and I should have kept a stronger hand on what the people in the committee were doing, et cetera. And then, further on down the road in these political meetings that are shown on the logs, there were discussions about appointing a commission of the type of the Warren commission to investigate this matter, and special prosecutors and things like that. I do not want to leave the impression that it was never touched under any circumstances.

Mr. DASH. I am not talking about when you talked about Watergate as such. I am talking about the so-called coverup, the White House horrors and what your own knowledge, based on information given you, as to who was involved in the break-in of the DNC.

Mr. MITCHELL. I answered that I did not talk to him about it.

Mr. DASH. I know, but on the 20th—

Mr. MITCHELL. I also answered in hindsight it probably would have been a better idea if I had.

Mr. DASH. Now, also on March 27 did Mr. Magruder come to see you in New York?

Mr. MITCHELL. Yes, sir, he did.

Mr. DASH. And do you recall that he testified that he came because he began to be aware or concerned that things might unravel and, therefore, wanted assurances from you that he be taken care of. Do you recall that?

Mr. MITCHELL. I recall very well, Mr. Dash, because of the fact that there was, based in the McCord letter to Judge Sirica, and Mr. Magruder wanted to talk to me about the potentials of his being brought back before the grand jury on a perjury count.

Mr. DASH. Did you promise him at that time, as he testified, that to the best of your ability, though you no longer were in office, you would help him to either get Executive clemency, support, or rehabilitation, any of the things we have been asking about?

Mr. MITCHELL. Let us take Executive clemency. No, I have never promised that to anybody. Obviously, there is no basis upon which I could.

With respect to, you were talking about support and so forth, what I told Jeb Magruder was that I thought he was a very outstanding young man and I liked and I worked with and to the extent that I could help him in any conceivable way, I would be delighted to do so.

And this was exactly the same conversation that we had the next day down at Haldeman's office.

Mr. DASH. Did Mr. Magruder then ask for that meeting with Mr. Haldeman?

Mr. MITCHELL. Oh, yes.

Mr. DASH. Did he feel he needed that assurance from somebody still in the White House?

Mr. MITCHELL. That is right.

Mr. DASH. And met with Mr. Haldeman on the 28th of March?

Mr. MITCHELL. 28th of March, that is correct.

Mr. DASH. What kind of assurances were being sought by Mr. Magruder there and what was being given to him?

Mr. MITCHELL. Mr. Magruder was again concerned—well, he did not express it too directly—that he thought he might become the fall guy. It seems to me that everybody around this town involved in this all thought they were going to become a fall guy.

Mr. DASH. Did you, Mr. Mitchell?

Mr. MITCHELL. Did I? No. Contrary to the story that I have read I did not believe that to be the case. I am quite anxiously waiting to see if there is some possibility of that other than some misguided counsel who wrote a piece of paper from which cross-examination was to be made.

Mr. DASH. Getting back to Mr. Haldeman and Mr. Magruder's meeting with you on March 28—

Mr. MITCHELL. Yes, it was the same general discussion. "I may have problems with my perjury, I don't have any money, am I going to be deserted, are you people still going to be friends, will I be able to get counsel," and this type of conversation.

Mr. DASH. Did Mr. Haldeman make any kind of promises to Mr. Magruder at that time, in your presence?

Mr. MITCHELL. None other than the fact to help him as a friend and I think Mr. Haldeman has testified to that.

Mr. DASH. Now, did you ever have a meeting with Mr. Magruder and Mr. Dean after that meeting with Mr. Haldeman?

Mr. MITCHELL. Yes sir.

Mr. DASH. What was that meeting about?

Mr. MITCHELL. Well, this was held at Magruder's request because he again was concerned about this perjury question that he might have, and the meeting was a quick runthrough again of the recollection of the individuals as to what was discussed prior to Mr. Magruder's third appearance before the grand jury back in September.

15. On March 27, 1973 the President met from 11:10 a.m. to 1:30 p.m. with John Ehrlichman and from 11:35 a.m. to 1:35 p.m. with H. R. Haldeman. Ehrlichman has testified that at this meeting the President directed him to contact Attorney General Kleindienst. The President has stated that on March 27, 1973 he directed that Kleindienst be told to report directly to the President anything he found in the Watergate area. The President has produced an edited transcript of this conversation and a summary of that transcript has been prepared.

	Page
15.1 Meetings and conversations between the President and H. R. Haldeman, March 27, 1973.....	348
15.2 Meetings and conversations between the President and John Ehrlichman, March 27, 1973.....	349
15.3 John Ehrlichman testimony, 7 SSC 2747-48.....	350
15.4 President Nixon news conference, August 22, 1973, 9 Presidential Documents 1016, 1019.....	352
15.5 House Judiciary Committee staff summary of White House edited transcript of conversation among the President, H. R. Haldeman and John Ehrlichman, March 27, 1973, 11:10 a.m. - 1:30 p.m.....	354

15.1 MEETINGS AND CONVERSATIONS BETWEEN THE PRESIDENT AND H.R. HALDEMAN,
MARCH 27, 1973

H. R. Haldeman

-59-

March 24, 1973

AM 11:36 President placed local call to Haldeman

PM 12:15 2:55 President met with Haldeman

March 25, 1973

AM 9:35 President placed local call to Haldeman

10:10 1:05 President met with Haldeman

March 26, 1973

AM 9:39 President placed local call to Haldeman

10:15 1:00PM President met with Haldeman
Ziegler 11:00 - 12:15

PM 1:15 3:45 President met with Haldeman
Ziegler 3:10 - 3:11

March 27, 1973

AM 9:47 10:55 President met with Haldeman

11:35 1:30PM President met with Haldeman
Ehrlichman 11:10 - 1:30
Ziegler 11:30 - 11:40
Bull 11:45 - 11:46 and
1:16 1:17

PM 4:20 5:20 President met with Haldeman
6:05 7:10 President met with Haldeman

March 28, 1973

AM 8:45 9:00 President met with Haldeman

PM 12:45 1:45 President met with Haldeman
Bull 1:16 - 1:17

4:20 4:40 President met with Mr. Haldeman
7:17 7:32 President placed local call to Haldeman
8:50 9:09 President received local call from Haldeman

John D. Ehrlichman

- 43 -

WHE

March 23, 1973

AM	11:34	11:41	President received long distance call from Mr. Ehrlichman
	11:46	12:05PM	President received long distance call from Mr. Ehrlichman

March 27, 1973

	11:07	11:08	President placed local call to Mr. Ehrlichman
AM	11:10	1:30PM	President met with Mr. Ehrlichman (Mr. Ziegler 11:30-11:40) (Mr. Haldeman 11:35-1:30) (Mr. Bull 11:45-11:46)
PM	6:03	6:05	President placed local call to Ehrlichman

March 28, 1973

PM	7:55	7:56	President placed local call to Ehrlichman
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March 29, 1973

PM	5:35	6:24	President met with Mr. Ehrlichman
PM	2:45	4:20	President met with Mr. Ehrlichman (Mr. Haldeman 2:46-4:45) (Mr. Ziegler 3:01-3:30) (Marjorie P. Acker 4:05-4:06)
	6:25	6:26	President placed local call to Ehrlichman

101536

March 30, 1973

AM	9:07	10:18	President met with Messrs. Ehrlichman, Helmut Sonnenfeldt, George P. Shultz to discuss domestic issues & Sec. Shultz's trip to Western Europe & U.S.S.R.
PM	12:02	12:18	President met with Messrs. Ehrlichman and Ziegler

2747

other words, he was not going to move against anybody until he had this down and could see what this fellow really had and then would go forward.

Senator GURNEY. Well now, around about this time or somewhat later, and there are so many meetings here that I have really forgotten which occurred when, so perhaps I am going to have to rely on you for that, but did the President lift the phone up at any time and say, "John I want you to come over to the office here and talk about Watergate, what you know about it."

Mr. EHRLICHMAN. No, sir, not until way late in the game. He lifted up the phone one day and called me down and said, "I am satisfied that John Dean is in this so deeply that he simply cannot any longer have anything to do with it."

Senator GURNEY. That is when he transferred the assignment to you?

Mr. EHRLICHMAN. Yes, sir.

Senator GURNEY. What date was that?

Mr. EHRLICHMAN. March 30.

Senator GURNEY. And tell us again precisely what transpired in that phone conversation beyond what you have already.

Mr. EHRLICHMAN. Well, that was a meeting in the President's office on March 30, and it was, as I recall, quite brief. We had had, we were getting ready to leave that same day, as a matter of fact, for California, and he called me down, I am looking for the time to help me, to recall the time of departure here. Yes, we leave at 3 o'clock in the afternoon, we had had a long meeting that morning with Secretary Shultz and Mr. Sonnenfeld about the economy, and that ran from 9 a.m. to about, I don't know, what, 10 a.m. or 11 a.m., something of that kind, a long session, as I recall. He called me down for just about 10 minutes at noontime, and said what I have just told you, and I said, "Well, what is it you expect me to do basically" and he said, "I want you to step into what Dean has been doing here. I need to know about executive privilege, I need to know about attorney-client privilege, I need to have somebody set this strategy with regard to testifying at the committee and the grand jury and these other places and I need to know where the truth lies in this thing." And the only tipoff that I had had to that was a request from him on the 27th, I believe it was, yes, on the 27th.

Senator GURNEY. Is that the meeting between 11 a.m. and 1 p.m. with the President?

Mr. EHRLICHMAN. I believe—yes, yes indeed. That was for the purpose of dictating to me a list of questions that he wanted put to the Attorney General, and I believe that telephone call to the Attorney General which actually was not completed until the next day because he was traveling, is in your file, phone call with Kleindienst on the 28th, and I then went down a handwritten list of questions that the President had put to me about the progress of the case, about the involvement of John Mitchell, possible, any possible evidence that Kleindienst might have, any possible evidence of anybody else being involved at the Committee To Re-Elect, any evidence of any White House staff being involved and the President told me to tell the Attorney General that if he had any such evidence or if he developed any

such evidence, that he was then to transmit it directly to the President, not through me, not through anybody else at the White House but direct to the President, and in that message I did, as you see in the transcript, that I did transmit to the Attorney General.

Senator GURNEY. Do we have those questions that he—

Mr. EHRLICHMAN. No, sir, you do not. They are a part of my notes of the meeting of the 27th which are in the President's file.

Senator GURNEY. How many questions were there?

Mr. EHRLICHMAN. Well, there are about 10 or 12 topics, I think, written out on a piece of paper.

Senator GURNEY. Would you give us to the best of your recollection what the topics were and what the questions were?

Mr. EHRLICHMAN. I think I can do that best, Senator, by looking at that telephone conversation and—because I think that that transcript is quite faithful to the list. I just went down the list in talking with the Attorney General. I don't seem to have that in my—

Senator GURNEY. The telephone.

Mr. EHRLICHMAN. The telephone call with Mr. Kleindienst on the 28th.

Senator GURNEY. I wonder if the committee would hand this to the witness, Mr. Ehrlichman. That apparently is it. If we have another copy I wish I could have it, too, but I think it is better you have it at the moment.

Mr. EHRLICHMAN. We have a copy here; I may have stuck it back in the file.

Thank you very much.

Senator GURNEY. I have a copy here now.

Senator ERVIN. Let the reporter assign that the appropriate exhibit number.

[The document referred to was marked exhibit No. 99.*]

Mr. EHRLICHMAN. Actually the first sentence, as I recall, is only partly on this transcript and it said, "There are a number of things the President wanted me to cover with you," and only the latter half of that sentence is in the transcript.

Senator GURNEY. If we could, Mr. Ehrlichman, this is very important, but if you could summarize these as briefly as you can it will help out the committee because I think my own time is running out here.

Mr. EHRLICHMAN. You will see in the fourth paragraph I said, "No. 1, he wanted me to ask you these two things that I did yesterday about the grand jury and about Baker," meaning Senator Baker, and then we go into an inquiry about some statements that Senator Weicker had made to the press which the President had asked Pat Gray to check into. Then, and the President wanted a report on whether Senator Weicker had any evidence or not to support these assertions.

Senator GURNEY. I think perhaps you had better explain a little more about Senator Baker who is not here so we can know that there is no—

Mr. EHRLICHMAN. Well, the President had designated John Dean as the White House contact on Watergate, or the White House leadman on Watergate, as I say in February. He had also designated the Attorney General as the administration contact to the committee, and had

*See p. 2944.

1016

PRESIDENTIAL DOCUMENTS: RICHARD NIXON, 1973

ACTION

*Announcement of Intention To Nominate
Harry J. Hogan To Be Associate Director for
Policy and Program Development.
August 21, 1973*

The President today announced his intention to nominate Harry J. Hogan, of Bethesda, Md., to be Associate Director of ACTION for Policy and Program Development. He will succeed Charles W. Ervin, who resigned effective September 4, 1973.

Since 1972, Mr. Hogan has been director of government relations for Catholic University, in Washington, D.C. From 1971 to 1972, he was engaged in the private practice of law, served as a consultant on educational and environmental matters, and was professor of law at Delaware Law School, in Wilmington, Del. From 1969 to 1971, he was counsel of the House Special Subcommittee on Education.

He was born on May 2, 1914, in Newark, N.J. Mr. Hogan was graduated magna cum laude from Princeton University, received his LL.B. from Columbia Law School, and received his Ph. D. in American History from George Washington University. He served in the U.S. Navy during World War II, attaining the rank of commander.

From 1947 to 1952, Mr. Hogan was on the legal staff of the Tennessee Valley Authority, the Bureau of Land Management, and the Bureau of Indian Affairs. From 1952 to 1961, he was engaged in the private practice of law in The Dalles, Ore., where he was twice elected District Attorney (1956 and 1960). From 1961 to 1968, Mr. Hogan served as general counsel of the Bonneville Power Administration, in Portland, Ore.; as Associate Solicitor for Water and Power of the Department of the Interior, and as Legislative Counsel of the Department of the Interior.

Mr. Hogan is married and has three daughters. The Hogans reside in Bethesda, Md.

NOTE: The announcement was released in San Clemente, Calif.

THE PRESIDENT'S NEWS CONFERENCE OF AUGUST 22, 1973

Held at the Western White House

SECRETARY OF STATE

THE PRESIDENT. Ladies and gentlemen, I have an announcement before going to your questions.

It is with the deep sense of not only official regret, but personal regret, that I announce the resignation of Secretary of State William Rogers, effective September 3. A letter, which will be released to the press after this conference, will indicate my appraisal of his work as Secretary of State.¹

I will simply say at this time that he wanted to leave at the conclusion of the first 4 years. He agreed to stay on because we had some enormously important problems coming up, including the negotiations which resulted in the end of the war in Vietnam, the Soviet summit, the European Security Conference, as well as in other areas—Latin America and in Asia—where the Secretary of State, as you know, has been quite busy over these past 8 months.

As he returns to private life, we will not only miss him, in terms of his official service, but I shall particularly miss him because of his having been, through the years, a very close personal friend and adviser.

That personal friendship and advice, however, I hope still to have the benefit of, and I know that I will.

¹ For an exchange of letters between the President and Secretary of State Rogers, see page 1025 of this issue.

THE PRESIDENT. I don't believe, first, it would satisfy the public mind, and it should not. The second point is that as Mr. Wright, who argued the case, I understand very well, before Judge Sirica this morning, has indicated, to have the tapes listened to—he indicated this also in his brief—either by a prosecutor or by a judge or *in camera*, or in any way, would violate the principle of confidentiality, and I believe he is correct. That is why we are standing firm on the proposition that we will not agree to the Senate committee's desire to have, for example, its chief investigator listen to the tapes, or the Special Prosecutor's desire to hear the tapes, and also why we will oppose, as Mr. Wright did in his argument this morning, any compromise of the principle of confidentiality.

Let me explain very carefully that the principle of confidentiality either exists or it does not exist. Once it is compromised, once it is known that a conversation that is held with the President can be subject to a subpoena by a Senate committee, by a grand jury, by a prosecutor, and be listened to by anyone, the principle of confidentiality is thereby irreparably damaged. Incidentally, let me say that now that tapes are no longer being made, I suppose it could be argued that, what difference does it make now, now that these tapes are also in the past. What is involved here is not only the tapes; what is involved, as you ladies and gentlemen well know, is the request on the part of the Senate committee and the Special Prosecutor, as well, that we turn over Presidential papers, in other words, the records of conversations with the President made by his associates. Those papers, and the tapes as well, cannot be turned over without breaching the principle of confidentiality. It was President Truman that made that argument very effectively in his letter to a Senate committee, or his response to a Congressional committee, a House committee it was, in 1953, when they asked him to turn over his papers. So whether it is a paper or whether it is a tape, what we have to bear in mind is that for a President to conduct the affairs of this office and conduct them effectively, he must be able to do so with the principle of confidentiality intact. Otherwise, the individuals who come to talk to him, whether it is his advisers, or whether it is a visitor in the domestic field, or whether it is someone in a foreign field, will always be speaking in a eunuch-like way, rather than laying it on the line as it has to be laid on the line if you are going to have the creative kind of discussion that we have often had, and it has been responsible for some of our successes in the foreign policy period, particularly in the past few years.

Q. Mr. President, could you tell us who you personally talked to in directing that investigations be made both in June of '72, shortly after the Watergate incident, and last March 21, when you got new evidence and ordered a more intensive investigation?

THE PRESIDENT. Certainly. In June, I, of course, talked to Mr. MacGregor first of all, who was the new chairman of the committee. He told me that he would conduct a thorough investigation as far as his entire com-

mittee staff, was concerned. Apparently that investigation was very effective except for Mr. Magruder, who stayed on. But Mr. MacGregor does not have to assume responsibility for that. I say not responsibility for it because basically what happened there was that he believed Mr. Magruder, and many others have believed him, too. He proved, however, to be wrong.

In the White House, the investigation's responsibility was given to Mr. Ehrlichman at the highest level, and in turn he delegated them to Mr. Dean, the White House Counsel, something of which I was aware, and of which I approved.

Mr. Dean, as White House Counsel, therefore sat in on the FBI interrogations of the members of the White House Staff because what I wanted to know was whether any member of the White House Staff was in any way involved. If he was involved, he would be fired. And when we met on September 15, and again throughout our discussions in the month of March, Mr. Dean insisted that there was not—and I use his words—"a scintilla of evidence" indicating that anyone on the White House Staff was involved in the planning of the Watergate break-in.

Now, in terms of after March 21, Mr. Dean first was given the responsibility to write his own report, but I did not rest it there. I also had a contact made with the Attorney General himself, Attorney General Kleindienst, told him—it was on the 27th of March—to report to me directly anything that he found in this particular area, and I gave the responsibility to Mr. Ehrlichman on the 29th of March to continue the investigation that Mr. Dean was unable to conclude, having spent a week at Camp David and unable to finish the report.

Mr. Ehrlichman questioned a number of people in that period at my direction, including Mr. Mitchell, and I should also point out that as far as my own activities were concerned, I was not leaving it just to them. I met at great length with Mr. Ehrlichman, Mr. Haldeman, Mr. Dean and Mr. Mitchell on the 22d. I discussed the whole matter with them. I kept pressing for the view that I had had throughout, that we must get this story out, get the truth out, whatever and whoever it is going to hurt, and it was there that Mr. Mitchell suggested that all the individuals involved in the White House appear in an executive session before the Ervin committee. We never got that far, but at least that is an indication of the extent of my own investigation.

Q. Mr. President, you have said repeatedly that you tried to get all the facts, and just now you mentioned the March 22 meeting. Yet former Attorney General John Mitchell said that if you had ever asked him at any time about the Watergate matter, he would have told you the whole story, chapter and verse. Was Mr. Mitchell not speaking the truth when he said that before the committee?

THE PRESIDENT. Now, Mr. Lisagor, I am not going to question Mr. Mitchell's veracity, and I will only say that throughout I had confidence in Mr. Mitchell. Mr. Mitch-

SUMMARY OF WHITE HOUSE EDITED TRANSCRIPT

MARCH 27, 1973, 11:10 A.M. TO 1:30 P.M.

On March 27, 1973, the President met in his EOB office with Haldeman, Ehrlichman and Ziegler between 11:10 a.m. and 1:30 p.m. The meeting opened with a brief discussion of creation of a "Watergate Commission." (pp. 1-2) The President then discussed with Ziegler and Ehrlichman possible responses to press inquiries concerning whether John Dean would testify before a grand jury. (pp. 2 ff.) In the middle of this discussion there is a notation "Material unrelated to Presidential action deleted." (p. 4) The President instructed Ziegler, should an inquiry be made, to "stall them off today" by stating that "that is not before us at this time" but that "there will be complete cooperation consistent with the responsibilities that everybody has on the separation of powers" and consistent with Mr. Dean's responsibility as Counsel. (p. 6) The President told Ziegler to refer to Dean as Counsel to the White House rather than Counsel to the President. (p. 4) The discussion of this topic concludes with the notation "Material unrelated to Presidential actions deleted." (p. 7)

Ehrlichman told the President that he would soon be given names of possible nominees for the position of Director of the FBI. Ehrlichman said, "I hope you will look into that guy that (unintelligible) mentioned." The President responded that "A judge with a prosecuting background might be a hell of a good thing." The President indicated

that a new nomination should be announced at the same time as withdrawal of Gray's nomination is announced, and he hoped this would take place the following week. (p. 7)

The President and Ehrlichman discussed getting Attorney General Kleindienst "out front." The President at one point apparently misinterpreted a statement by Ehrlichman to mean "get him [Kleindienst] out of the office" [of Attorney General], and said "I am afraid its (unintelligible) of canning him right away." (p. 8)

Haldeman said all he had was Dean's report and that "I did not talk to Mitchell, because this thing changed what you might want from Mitchell." Haldeman said that Paul O'Brien thought "Mitchell could cut this whole thing off, if he would just step forward and cut it off"; that O'Brien said "The fact of the matter is as far as [O'Brien] could determine, Mitchell did sign off on the Liddy Plan; according to O'Brien, "if that's what it is, the empire will crack." Haldeman said Dean also believed Mitchell did sign off, but that neither O'Brien nor Dean was able to prove that. (p. 9)

According to Haldeman, Magruder told O'Brien that the Liddy plan was put together "by the White House, by Haldeman, Dean and others." Haldeman said he did have a discussion with Mitchell about the need for intelligence activity, but that this was before Liddy was hired by the Committee. (p. 10) Haldeman related that O'Brien said Liddy, after having joined CRP, developed two intelligence plans that had

been rejected or "didn't get bought," but that later Colson told Magruder to "at least listen" to the plans, and that Strachan called Magruder and said Haldeman told him to get this going, "[t]he President wants it done and there is to be no more arguing about it." Haldeman said Magruder told Mitchell that Strachan "had told him to get it going on Haldeman's orders on the President's orders" to which Mitchell allegedly responded "OK, if they say do it, go ahead," referring to the Liddy program including the bugging. (pp. 10-11) Haldeman then said Magruder said that at some later point Mitchell read the riot act to Liddy "on the poor quality of (unintelligible)."

Haldeman mentioned Dean's theory that Mitchell and Magruder realized "that they now have their ass in this thing, and . . . are trying to untangle it," not necessarily "working together again." Haldeman said Dean believed that "In the process of that they are mixing apples and oranges for their own protection" and "remembering various things in connection with others, like Liddy and Hunt." At this point the transcript notes "Material not related to Presidential actions deleted." (p. 12)

Haldeman then said that Dean said Magruder did not realize how little Dean told Liddy and that Dean "never got into any setting up an elaborate intelligence apparatus." Haldeman reiterated what Dean said occurred at the two Liddy plan meetings in Mitchell's office,

and then told the President that after the second meeting Dean told Haldeman "that he had just seen this wrap-up on it, and that it was impossible," that "they shouldn't be doing it," and that "we shouldn't be involved in it and we ought to drop the whole thing." (pp. 13-14) Dean further had told Haldeman Dean thought "'they had turned it off and in any event I wanted to stay ten miles away from it, and did.'" After that, Haldeman said Dean told him, the problem from early January was that Liddy "was never really given any guidance" from Mitchell or Magruder. (p. 14)

Haldeman told the President that "O'Brien says that Magruder's objective in holding at the moment is a meeting with Mitchell and me" and that "what he has told the lawyers, that will be a shot across the bough [sic] and tear down the meeting place." According to Haldeman, "O'Brien doesn't really believe Jeb, but he's not sure." (p. 15) The President asked whether O'Brien and Parkinson were involved in the Watergate matter and Haldeman responded that they were involved in post-June 17 activities.

Haldeman told the President that Hunt was at the grand jury that day and "we don't know how far he is going to go." (p. 16) Haldeman said, referring to Hunt, "The danger area for him is on the money, that he was given money." Haldeman stated to the President that Hunt was not as desperate today as he was yesterday, but that he was still on the brink or at least shaky. Haldeman said the reason Hunt was shaky was

that McCord had talked and probably would walk out scot free. The President said "Scot free and a hero," and Haldeman said "And he [Hunt] doesn't like that. He figures here's my turn. And that he may go -- ." The President responded, "That's the way I would think all of them would feel." However, O'Brien felt, according to Haldeman, that Hunt would not seek "to get people" but would gradually "do what he had to do" to "take care of himself" and get himself into the same position as McCord. Haldeman said, "He feels, in summary, that on both Hunt and Magruder questions we're not really in the crunch that we were last night" and "he is not as concerned as he was when he talked with you last night." (p. 17)

Haldeman (apparently passing on Dean's view) said Judge Sirica probably would grant immunity to Liddy, and that Liddy's "intention, as of now at least, is to refuse to talk" despite immunity, so he would be in contempt. The President said, "I will almost bet that is what Liddy will do." (pp. 17-18)

The President and Ehrlichman stated that they believed that Dean had no prior knowledge of the break-in. (pp. 18-19) The President also stated that he knew "most everybody except Bob, and perhaps you, think Colson knew all about it," but indicated he did not think that Colson knew about the intelligence plan. The President said Colson was "always coming to me with ideas" but didn't mention it, although "I think he would have said, 'Look we've gotten some information.'" "But,"

the President said, "I was talking to Colson, remember exclusively about -- and maybe that was the point -- exclusively about issues."

(p. 19) The President said "as a matter of fact I didn't even know -- I didn't know frankly that the Ellsberg thing, etc. -- electronically thing -- you know what I mean?" The President, after an "unintelligible" remark by Ehrlichman, went on to say "And I guess you deliberately didn't want me -- ", to which Ehrlichman responded "Well, sir, I didn't know . . . what this crowd were up to until afterwards." The President said "Right." (p. 20)

The President said that

Well, the thing is too, that I know they talk about this business of Magruder's, saying that Haldeman had ordered, the President had ordered, etc., of all people who was surprised on the 17th of June -- I was in Florida -- was me. . . . And I read the paper. What in the name of (expletive removed) is this? I just couldn't believe it. So you know what I mean -- I believe in playing politics hard, but I am also smart. What I can't understand is how Mitchell would ever approve. (p. 21)

The President said that Mitchell and Liddy could both be telling the truth, because although Mitchell could say he never approved the plan, Liddy just assumed he had abstract approval. (p. 23) The President said

You've got to figure the lines of defenses that everybody's going to take here. That's Mitchell's. Right? What's Haldeman's line of defense? Haldeman's

line of defense, "I never approved anything of the sort. I just" -- you know that -- What's Ehrlichman's? There is no doubt he knows nothing about it. (pp. 23-24)

After a brief discussion of earlier wiretapping involving Ehrlichman, which the President suggested "You would say it was ordered on a national security basis," Ehrlichman said:

Let me go back and pick up this business about taps. I think -- I have done some checking and I want you to get the feel for what I would say if this Hunt thing slopped over on me. (p. 24)

The President responded that "Incidentally, my view is -- I don't know Hunt -- I don't think Hunt will do that." Ehrlichman said he did not think so either, and the President said, "You don't think he is going to have to take a fall for (unintelligible) any burglary? If he does" Ehrlichman then outlined his proposed "line of response," that from the time he [Ehrlichman] was Counsel to the President "we were very concerned" over national security leaks; that there had been three serious national security breaches: Szulc, the Pentagon Papers and the Pakistan-India incidents; that Hunt became involved because at the time of the Pentagon Papers "we" had concerns about the relationship of that leak to other leaks. (pp. 24-25) Ehrlichman told the President that "we moved very vigorously on the whole cast of characters in the Pentagon Papers thing" and that "some of our findings have never come out." (p. 25) Ehrlichman told the President that it was not until

after the Los Angeles operation occurred that he found out about the entry into Ellsberg's psychiatrist's office. Ehrlichman informed the President that a request was made for a second entry, but he denied the request. (p. 26)

Ehrlichman said that Krogh admitted to having authorized the Ellsberg burglary and if asked was willing to say so and to resign from the Department of Transportation and get out of town. The President asked, "Should he [resign]?", and Ehrlichman said

I don't think he will have to. Number one, I don't think Hunt will strike him. If he did, I would put the national security tent over this whole operation.

The President said "I sure would." (p. 26)

Ehrlichman then said he would say a lot of things went on in the national interest that involved taps, entry, interrogation, and a lot of things, "and I don't propose to open that up to (unintelligible) just hard line it." The President said "I think that is what you have to do there." (pp. 26-27)

Haldeman then returned to the subject of Dean's idea of establishing a Commission -- a "super panel" -- that would possess complete investigative and judicial responsibility over the entire Watergate affair. (pp. 27-28) Haldeman told the President that Dean saw two major advantages to the Commission. The first was that the Commission would take a long

time to get set up and it would not complete its hearings and make its findings before the '74 election. The second advantage, Haldeman said, was that the President would maintain "the ultimate stroke" of being able to pardon anybody on January 19, "so the potential ultimate penalty . . . could be about two years." (pp. 30-31) Haldeman said that Dean also thought that the President should meet alone with Mitchell to find out "Mitchell's true perception of what did happen." The President asked "What do we do if Mitchell were to admit, 'Yes, I did it,'" and Haldeman said "It's greater knowledge than we possess right now -- if he would only confess." (p. 32) Haldeman said that "I didn't call Mitchell because I need (unintelligible) but we should go ahead with Magruder, I think," and the President agreed. (p. 33) The President said

I have not really had from Mitchell but I have had from Haldeman, I have had from Ehrlichman, I have had from Colson cold, flat denials. I have asked each of you to tell me, and also Dean. Now the President, therefore, has not lied on this thing. I don't think that yet has been charged. Liability has been charged, but they haven't charged the President with any offense. They are (unintelligible) in trying to protect his people who are lying. But I don't -- doesn't anybody suggest that I (unintelligible) this whole damn thing? (p. 34)

Haldeman then said that "As of now it is all saying that you are being ill-served by (unintelligible)." "By my people," the President said, "But I don't know about Mitchell. I never asked him." The President

indicated he would "get Mitchell down." (p. 34)

A discussion of Magruder's going "public" with what he knew followed, the President saying at first that it would "ruin" Magruder if he did that. (p. 35) The President asked how perjury by Magruder could be proved, asking whether Hunt might testify to it, and Haldeman said Magruder "knows he did perjure himself" and hence was worried someone might prove it. Haldeman said Barker was more likely to be able to do so because Barker worked for Magruder. (p. 36) Haldeman said that Barker said he couldn't remember who he delivered the tap reports to. At this point the transcript notes "Material unrelated to Presidential actions deleted." (pp. 37-39)

In discussing options available to Mitchell, the President said that Mitchell would probably say that he may have been responsible but that he did not realize what they were up to, and that Mitchell would never admit to perjury. The President asked Haldeman to call Mitchell and ask him to come to Washington to meet with Magruder, Haldeman and the President. (pp. 37-40)

The President asked, concerning Magruder's possible testimony, "what stroke have you got with Magruder? I guess we've got none." After some discussion Haldeman said he would advise Magruder to seek immunity and testify that he had lied earlier, suggesting Magruder would say "Nobody asked me to do it." (pp. 40-43)

There was further discussion of establishing a Commission to consider the Watergate matter, and of the possible composition of such a Commission. (pp. 44-48) Haldeman said that he would arrange to meet with Bill Rogers to discuss it. (p. 48)

Ehrlichman said he was going to meet with Kleindienst, and the President told Ehrlichman that the only thing to tell Kleindienst was that "we are going to have to break with Gray who is killing us" and to find out from Kleindienst what Gray was going to do. (p. 48)

Haldeman told the President that Senator Weicker had made a statement that day in which he said he had absolute proof that it went to the White House staff, but that he would not name names until he got his evidence in hand. There was discussion of who Weicker might be obtaining information from, in which Magruder, Porter, McCord, Gray and Colson were mentioned as possibilities. (pp. 49-51) The President asked Ehrlichman to talk to Pat Gray to ask him what Weicker was up to. (p. 51) The President said that Ehrlichman should ask Gray to ask Weicker what his information is. As Director of the FBI, the President said, Gray is supposed to get all the information he can now, and if there is anybody, the President wants the information.

The President said that members of the White House staff who are indicted, etc. would have to take a leave of absence, but that "they have to mention cutting off at the pass some place here." (p. 52)

Haldeman said to the President that once it was established that he was following that route, "if they were smart they would just start naming everybody just so you'd have no choice." The President replied that there was no way except that. Ehrlichman said that, number one, was to insulate the President; to make him appear "to be ahead of the power curve" and also to have some symbolic act of absolution after the thing is over, so that the President could take them all back on (after they had been absolved of wrongdoing). (pp. 52-53)

At this point in the meeting Haldeman received a telephone call from Mitchell, who reported that Magruder was with him. The President asked Haldeman to call Mitchell back that afternoon to get a report on his conversation with Magruder.

Ehrlichman told the President that Gray would see Weicker, and the President said that he was anxious to get his report. (pp. 55-56)

Ehrlichman said that the most important thing was that the President "keep the momentum of the business going," and the President agreed. (p. 57) The President then said that the "long seance with Mitchell tomorrow is going to be very difficult," but he would get it done. After the President commented that he felt pretty well, there is a notation of material unrelated to presidential actions deleted. (p. 57)

Haldeman told the President that Mitchell was distressed that Kleindienst wasn't "stepping up to his job" as the contact with the

Senate Select Committee, "getting Baker programmed and all that."

(p. 58) Haldeman said Mitchell also blamed Kleindienst for the fact that Dean "is not getting information from Silbert on those things said at the grand jury." Haldeman said "Mitchell finds that absolutely incompetent, and says it was Kleindienst's responsibility." (p. 58)

The President told Ehrlichman to tell Kleindienst that "you're not asking nor in effect is the White House asking;" that Mitchell said that Ehrlichman had to "have this information from the grand jury at this time and that 'you owe it to him.'" (p. 58) The President advised Ehrlichman to put it on that basis "so that everybody can't then say the White House raised hell about this, because we are not raising hell." The President further told Ehrlichman to tell Kleindienst that Dean, Haldeman, Ehrlichman, and Colson had no prior knowledge and that if Kleindienst has any information to the contrary you want to know. He also told Ehrlichman to tell Kleindienst that "there is serious question here being raised about Mitchell." (p. 59)

There was then discussion of the allegations made by McCord and Magruder. The President said "What is shocking to me is his [Magruder] blowing off against the one fair guy you wouldn't think he would cut up, against Haldeman;" said that "he also knows it's not true;" and asked Haldeman why Magruder was "tossing it off to you rather than to Mitchell." (pp. 59-60) Haldeman replied that Magruder hits Mitchell too, but that he "is just trying to wrap me because he wants to get you in." Magruder, Haldeman said, was firing a threat to the President to

try to get people shook up. Ehrlichman said that Magruder was trying to get a line around the President for his own protection. (p. 60)

Haldeman then said,

In other words, if all Magruder is going to do is take the dive himself, then we are not going to hear about it. If he makes us worry that he is going to get Mitchell and you and me --. (p. 60)

The President then asked Ehrlichman if there was any way Magruder could stick to his story. Ehrlichman replied that he thought he could because he was an ingenious witness and "[h]e is saying the things they want him to say." The following then appears in the transcript:

P. No, no, no. I don't mean if he says --

E. Oh if he sticks to his old story -- I see, I see. I thought you meant the story he is laying out here.

P. Oh, no no. This story. They would take that in a minute. (p. 61)

Ehrlichman then told the President that he was to the point where he didn't think "This thing is going to hold together," and that it was his hunch that anybody who tried to stick with a story not susceptible to corroboration would be in serious difficulty. He expressed the view that Magruder ought to move to "a real and immune confession of perjury if he can do it. There's too many cross-currents in this thing now." (p. 61) The President said "Yeah. This is my view," and that if

Magruder "is going to lie about it, you know, I am sure he checked it out." (pp. 61-62) He asked what the hell was in it for Magruder, and Haldeman and Ehrlichman replied, "Immunity." The President asked who had authority to grant immunity, and after a brief discussion of the subject there is a deletion of "Materials Unrelated to Presidential Actions." (p. 62)

The President said "This is a bad rap here" and "we are not going to allow it." He said "our real problem is Mitchell." He inquired whether it was "too dangerous" to have the Attorney General call Silbert to find out what was being said to the Grand Jury, but Ehrlichman explained it was not necessary since Henry Petersen could let Kleindienst know. (p. 62) The President acknowledged a "problem" if Kleindienst would have to admit furnishing "the Grand Jury things to the White House." The President instructed Ehrlichman to "just tell Dick" that he should furnish information to the White House because "our interest here . . . is whether there are any White House people involved here and we will move on them," and Ehrlichman added "the President wants to know." The President said "That is the purpose," not to protect anybody "but to find out what the hell they are saying." The President apparently indicated Ehrlichman should tell Kleindienst he wanted to get information every day "so that we can move one step ahead here" and not have to wait "until a grand jury drags them up there." (pp. 62-63)

There was further discussion about whether to have all White House personnel testify before the Grand Jury or alternatively be questioned by Judge Sirica. (pp. 63-64) The President and Ehrlichman agreed the President had to "Do something" so that he was "out front" on this issue. (p. 65) Waiving executive privilege was discussed and Ehrlichman said "You could say I have never had a communication with anybody on my staff about this burglary -- "; the President said "I have never had any --, " and Ehrlichman then suggested the President say, "Since I had no communication with anybody on the White House staff about this burglary or about the circumstances leading up to it, there is no occasion for executive privilege in this matter." The President then said, apparently further indicating what he would say publicly, "With regard to this, I want you to get to the bottom of it. So there will be no executive privilege on that. On other matters -- ". Haldeman then said, "And that takes you up to the June 17th" and inquired, "What do you do after June 17th?" The President replied, "Use the executive privilege on that." (p. 67) To which Ehrlichman said:

Yeah, but there would be questions like, "Did you ever discuss with the President, Mr. Haldeman, the matter of executive clemency for any of these defendants."

The President said "Both of them say no." Haldeman said "Or the Payment of money. The payment of --," and the President said "Haldeman and Colson would both say no, there's no question." (p. 67) Haldeman responded,

"Since you want to waive privilege so that we can say no, rather than invoking it --," and the President said "You can say that." Haldeman said "I think you've got to say that because basically their situation -- well, Colson will be very disturbed by that and he must have a reason why he should." (pp. 67-68) The President said "Well, why don't you get (unintelligible) in so that I can hear it clearly and I will know. What is it, Bob, as you will recall at the moment, and then I will let you go." Haldeman referred to Colson's view that "don't do any line [sic] to break your privilege, because if you get into (unintelligible) you may want it." During this discussion the President said "Colson says don't give anything away that you don't have to, but you don't have to, but you don't know what the hell is going to happen to you if you if you go in and lie." (pp. 67-68)

The discussion then turned to the suggestion that the President request and recommend to Judge Sirica that the judge appoint a special prosecutor. (p. 70) The Commission idea was again mentioned, the President saying, however,

The idea that a Commission might go through the '74 election, etc. -- my view is I can't have this (unintelligible) I think the damn thing is going to come out anyway, and I think you better cut the losses now and just better get it over much sooner and frankly sharper. Let's just say, "Well Judge, let's go." (p. 70)

Further discussion followed about the special prosecutor idea and of the President going on television to announce that course. At the

close of that discussion Ehrlichman said that "Surely nothing troubles me." The transcript at that point notes "Materials unrelated to Presidential actions deleted." (p. 72) Thereafter the President said to Ehrlichman, "Inform me as soon as you get something from Gray on Weicker" and "as soon as you've got something on Kleindienst." The President told Ehrlichman to say to Kleindienst, "Mitchell is just damn disappointed, and he will jump up and down and shout." (p. 72)

16. On March 28, 1973 Mitchell and Haldeman met with Magruder in Haldeman's office. They discussed Magruder's false testimony regarding the approval of the Liddy Plan. Haldeman telephoned Dean and requested that he return from Camp David to meet with Mitchell and Magruder. Dean has testified that on his return he went directly to Haldeman's office; that Haldeman told him that Mitchell and Magruder were waiting in another office to discuss with Dean his knowledge of the January and February 1972 meetings in Mitchell's office; that Dean said he would not lie about those meetings; and that Haldeman said he did not want to get into it but Dean should work it out with Mitchell and Magruder. Dean met with Mitchell and Magruder. Following the meeting, both Mitchell and Dean reported to Haldeman that there was a problem as to what the facts were regarding the 1972 meetings.

	Page
16.1 H. R. Haldeman deposition, <u>Democratic National Committee v. McCord</u> , May 22, 1973, 213-18, 222-23, 229.....	374
16.2 John Dean testimony, 3 SSC 1005-07.....	383
16.3 John Dean testimony, 4 SSC 1379, 1425.....	386
16.4 H. R. Haldeman telephone log, March 28, 1973 (received from SSC).....	388
16.5 John Mitchell testimony, 4 SSC 1634-35.....	389
16.6 John Mitchell testimony, 5 SSC 1914.....	391
16.7 Jeb Magruder testimony, 2 SSC 807-08.....	392
16.8 Jeb Magruder testimony, SSC Executive Session, June 12, 1973, 111-14.....	394

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213

he, as I recall, remained at his residence and worked rather than coming into the office because he was besieged by press at that period and didn't want to go out and discuss these things with the press. I think there probably were a series of communications, and I think it was by phone, continued.

Q And did he tell you anything further concerning pre-June 17th events?

A Not that I recall. I don't believe so.

Q Did there come any time later when he did come back to his office at the White House and after that occurred did he have any meetings with you?

A I am not absolutely clear. I am sure he came back to the White House and I don't recall any meetings in that period. We now get to -- Well, let's see. Yes, that gets us to the 28th, if that is the correct date, and I believe it is. What is the day?

A That would have been a Wednesday, I believe, approximately.

A I think it was the 28th that there was the meeting first with Mitchell and then with Mitchell and Magruder and then Mitchell and Magruder met separately with Dean.

Q Let us now go to the 28th and that first meeting you had that day. That was with Mitchell?

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214

A Yes.

Q Was that in your office?

A Yes.

Q Was there anyone else present?

A That was with Mitchell alone.

Q Would you tell us, please, the substance of that conversation as it related to pre-June 17th events?

A Mitchell had sought that meeting, as I recall, mostly in relation to this question of the disparity between his view and Dean's on the question of the meetings that had been held. He had the day before, I believe, met with Jeb Magruder, I think, in New York. I think he had asked Magruder to come up and meet with him and he had had a meeting with Magruder. At the meeting with me on the morning of the 28th he reported to me on his meeting with Magruder and I don't recall the specifics of that but it had to do with Magruder's recollection of the facts related to these meetings and Magruder's recollection of the facts regarding the Watergate, as I recall; and this has to be classified as recollection because it can be confused with subsequent information I was given. In other words, I am not positive that this developed at this point in time but I believe it did.

Q All right.

A That Magruder's outline as of that time, as expressed

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215

to Mitchell the day before and as reported by Mitchell to me was that the Watergate project, the entry and bugging of the DNC had been conducted with Magruder's knowledge and approval and that it had been done-- I think the theory he spelled out at that point in time --

Q He being Mitchell?

A No, he being Magruder.

Q Magruder speaking to Mitchell?

A Speaking to Mitchell and Mitchell reporting it to me.

This is one of the several different Magruder theories and that is why I am not sure of all of the things reported to me by Mitchell as to what Magruder's recollection of the facts was, but that he had been under pressure to get various kinds of information. I am not sure specifically whether this was specified from-- I think it was from the White House was his theory (I don't think he spelled out who from the White House) and that under the pressure of needing to get information he had launched a Liddy intelligence program which included the DNC project. Whether he specifically intended that it include the DNC project or whether that was Liddy's, it was included on Liddy's cognizance, I am not sure. But, in any event, Magruder had approved this under what he claimed at that point was pressure from the White House to get going on the fact gathering projects. I think that really covers

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216

what his theory on the facts and the facts in that area were. Then he got into the question of the meetings and what the facts were regarding meetings and he, Mitchell, indicated Magruder's concurrence in Mitchell's recollection of the meetings. That is about all I can recall of the substance of Mitchell's comments (sic) there.

Q What did Mr. Mitchell tell you as to how many meetings he recalled having at which Liddy was present?

A He indicated, as I recall, that there had been one meeting and that that meeting had been for the purpose of campaign expenditure regulation review and that sort of thing, a legal meeting, not an intelligence meeting.

Q Did you mention to him at that meeting what you had learned from Dean relative to the presentation by Liddy at that meeting?

A He mentioned it to me. He was aware of Dean's position.

Q He was aware?

A Yes, he was. That was his point of concern and, basically, I think, the reason for his coming down for the meeting.

Q Did he disagree with Dean's position on these meetings that were had?

A I believe he did, yes.

Q When he recounted to you what Magruder had told him the

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217

previous day in New York did he state whether he had asked Magruder who at the White House was putting this alleged pressure on Magruder?

A I don't think so. I don't --

Q Did you ask him --

A I don't recall that.

Q I am sorry. You don't recall that. Mr. Haldeman, did you ask him whether he had asked Magruder who was putting this pressure on him from the White House?

A I am sure I must have or it must have been explored or raised in some way, or he simply said he didn't know who, that the point was pressure from the White House. Now, as I indicated there were reported to me in this time period this report from Mitchell and at some point in this general area a report from Dean, which (I think this probably came later) also evolved a Magruder theory which was in conflict with this in some ways. I am not sure I can remember the specifics of all of them. But in various forms or at various times from various sources I was told that Magruder's position was (1) this White House thing. There was a reference by Magruder at one of these discussions (and this, I think, was also referred to by Dean) to a phone call that Magruder had received from Chuck Colson urging him to get going on getting information, a phone call that -- No, no, that

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218

theory came earlier because I can remember having that question raised when I was in Key Biscayne getting some reports back and forth on the telephone. All of these, incidentally, are areas that were in my view under the old guidelines covered by executive privilege because they were in the nature of the President pushing to get information out, get information back in to Dean and to him and to explore things that he wasn't satisfied with being explored. Some of these points were reported directly to the President, probably most of them, as they evolved step by step. I was in communication with the President during that weekend in Key Biscayne as well as when we were up here. This phone call, Magruder --

Q Are you speaking to a phone call while you are still in Florida?

A No, no. I am speaking of a report while I was in Florida of a phone call that was made prior to June 17th from Colson to Magruder saying get going on getting information. Magruder at one point in time put that as being a significant factor in getting the Watergate going, initiating the project. Colson, who I talked with about this phone call--

Q When was that conversation?

A While I was in Key Biscayne. That is why I remember the Colson call because I didn't have that many communications on

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222

taped a meeting and I have never had a stenographer present at any meeting on any subject at any time.

Q Did you make notes at any of these meetings?

A I probably did. I may have.

Q Do you know whether you still have those notes?

A Let me say I have made a habit of making notes of meetings or conversations which I intended to report to the President or which required action on my part. My practice was then to take the action that was required and then throw away the notes or if it involved a conversation with the President to have the conversation with the President and whatever note evolved of that conversation I have turned over to the President's files and I did this on a periodic basis through all the time I was there.

Q You don't have any notes today relative to any of these conversations involving these --

A No, sir, I don't.

Q Tell us about the meeting with Mitchell on the 28th of March and who said what relative to the pre-June 17th events?

A We have pretty well covered it because you asked what Magruder said. One meeting went into the other. Mitchell was in my office and then Magruder arrived and then the joint meeting.

Q At that meeting did Magruder tell you that he did know

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223

about the wiretapping of the Democratic National Committee Headquarters?

A I have that impression.

Q What is your best recollection rather than your impression? This is a sensitive point and I don't want to rely on an impression. I would rather have a good recollection.

A The question in my mind is whether he indicated or gave even the impression that he knew of the DNC bugging specifically as contrasted to his knowledge of the implementation, approval and implementation by him, as I understood it, of an intelligence program by Liddy which he was, I think, assuming that the Watergate was a part. The question that I have is whether he indicated that he knew the Watergate was a part and that -- I have to leave that as a question in my mind. I am not sure.

Q Let me ask you this question (and I am jumping ahead, it is likely): has Magruder at any time ever told you that he knew in advance of June 17th, 1972 of the wiretapping and bugging of the Democratic National Committee Headquarters?

A I don't know that he has in so many words.

Q Has he ever said anything to you from which you gathered a clear inference that he did, in fact, know prior to June 17th, 1972 of the bugging and wiretapping of the DNC

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Q That same day, March 28th, I think you testified you had a third meeting which Dean was involved in, I believe.

A No. Mitchell and Magruder met with Dean and I was not present. Subsequent to the meeting we had had they then, the two of them, went and met with Dean separately from me.

Q That day Magruder had three meetings. You had two meetings and Mitchell had two meetings?

A No. Mitchell had three meetings. Mitchell met with me alone and then with me and Magruder and with Magruder and Dean. I met with Mitchell alone and then with Mitchell and Magruder.

Q Did you get a report from either of those three gentlemen as to the third meeting that day or shortly thereafter?

A I have the impression that I did have a sort of general report, I think, from Mr. Mitchell and I think probably also from Dean that they had talked the question over and that there was a problem as to what the facts were.

Q Now, when you use the word "impression" in that context, are you really saying you have a recollection?

A I don't have a recollection of a specific conversation but I have a recollection of the information. I do recollect hearing that following that meeting it was felt by Dean and Mitchell that there was a real question as to what the fact was regarding these meetings.

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Mr. DEAN. In brief, the President would create an independent panel—that would be investigator, prosecutor, and judge and jury for everyone involved. It would have the power to remove officials from office, levy fines, and impose criminal sanctions. It was designed to give every man a fair and full hearing, and proceed in a manner where people would not be tried publicly.

Finally, after all the facts were in, the panel would render its judgments on the individuals involved and report to the public. I might note that if the special prosecutor and this committee were merged, made independent, and proceeded in camera, it would be very close to the concept I had proposed back on March 26.

Moore liked the idea and suggested I call Haldeman, which I did. He was intrigued, but not overwhelmed. It was becoming increasingly clear that no one involved was willing to stand up and account for themselves.

After I had read in the newspaper on Tuesday, March 27, that the President had called me on Monday morning, March 26—which he had not—and expressed great confidence in me and the fact that I had not had prior knowledge of the break-in at the Democratic National Committee, I decided to attempt to contact Mr. Liddy, who was the one man who could document the fact that we never had talked about his plans following the February 4 meeting in Mitchell's office. I called Paul O'Brien and asked him how I could get in contact with Mr. Maroulis, Mr. Liddy's attorney. O'Brien gave me Maroulis' phone number, but told me I could not reach him until late in the afternoon.

I called Mr. Maroulis about 5:30 and asked him if I might get some sort of sworn statement from Liddy regarding my lack of prior knowledge of the break-in at the Democratic National Committee. I told him of the two meetings in Mitchell's office, and that Mr. Liddy and I never talked about his plans after the second meeting. To this day, I am convinced that if and when Mr. Liddy ever talks, he will tell the truth as he knows it. I was hopeful that he would give me some sort of an affidavit attesting to the facts, but his lawyer was concerned about his fifth amendment problems.

Mr. Maroulis called me back on March 29 after I had returned from Camp David, after he had talked with Mr. Liddy. I requested O'Brien to make a memorandum of the call, as he was with Mr. Maroulis when he made the call. I have submitted to the committee a copy of this document in which Maroulis advised me his client could not make such a statement because it might result in a waiver of his fifth amendment privileges, that to give such a statement could be detrimental to others, but Liddy did wish to convey that his reasons for not providing such a statement was not because he disagreed with the facts, but because of the advice of counsel.

[The document was marked exhibit No. 34-42.*]

Mr. DEAN. It was the day before I received this call, March 28, that Haldeman had called me at Camp David and requested that I return to Washington. He told me that he was meeting with Mitchell and Magruder and that they wished to meet with me. I told Haldeman that I really did not wish to meet with Mitchell and Magruder, but he was insistent that I return and meet with them. I returned from Camp David about 3:30 and went directly to Haldeman's office. He told me

*See p. 1262.

1006

that Mitchell and Magruder were waiting in another office for me. I asked him why they wanted to talk to me and he said that they wanted to talk to me about my knowledge of the meetings in Mitchell's office. I told Haldeman that they were both aware of the situation and I was not going to lie if asked about those meetings. Haldeman said that he did not want to get into it, but I should go in and work it out with Mitchell and Magruder.

Before discussing the meetings with Mitchell and Magruder, I feel I should comment on my reaction to the discussion I had just had with Mr. Haldeman. Knowing how freely and openly he had discussed matters in the past, I could tell that he was back-peddling fast. That he was now in the process of uninvolving himself, but keeping others involved. This was a clear sign to me that Mr. Haldeman was not going to come forward and help end this problem, rather, he was beginning to protect his flanks. It was my reaction to this meeting with Mr. Haldeman and his evident changed attitude, and my earlier dealings with Ehrlichman where he had told me how I should handle various areas of my testimony should I be called before the grand jury, that made me decide not to turn over to them the report I had written at Camp David. I have submitted to the committee a copy of the Camp David report, part of which was typed by my secretary at Camp David and the remainder in longhand, which I had not put in final narrative form before I was called back to Washington.

[The document was marked exhibit No. 34-43.*]

MEETING WITH MR. MITCHELL AND MR. MAGRUDER

Mr. DEAN. After departing Mr. Haldeman's office, I went to meet with Mitchell and Magruder. After an exchange of pleasantries, they told me they wished to talk to me about how I would handle any testimonial appearances regarding the January 27 and February 4 meetings which had occurred in Mitchell's office. I told them that we had been through this before and they knew well my understanding of the facts as they had occurred at that time. Mitchell indicated that if I so testified, it could cause problems. Magruder then raised the fact that I had previously agreed, in an earlier meeting, that I would follow the testimonial approach they had taken before the grand jury.

I told them I recalled the meeting. Magruder then said that it had been I who had suggested that the meetings be treated as dealing exclusively with the election law and that explained my presence. At this point in time, I decided I did not wish to get into a debate regarding that meeting. They both repeated to me that if I testified other than they had it would only cause problems. I said I understood that. I told them that there was no certainty that I would be called before the grand jury or the Senate committee and that if I were called, I might invoke executive privilege, so the question of my testimony was still moot. I did not want to discuss the subject further so I tried to move them off of it. They were obviously both disappointed that I was being reluctant in agreeing to continue to perpetuate their earlier testimony.

The only other matter of any substance that came up during that meeting was when I made the point that I had never asked Mitchell

*See p. 1263.

1007

about his involvement in the matter and I had no intention of asking him at that time. I said to this day I do not fully understand how the Liddy plan got into operation and can only speculate based on the tidbits of information I know. I then offered my hypothesis of what had happened, that is, that at some point after the second meeting in Mitchell's office there had been pressure put on to get the plan approved and that it had been approved without anyone really understanding its full import. Mitchell said something to the effect that my theory was not far from wrong, only they thought it would be three or four times removed from the committee. The meeting terminated shortly thereafter. It was not a lengthy meeting and as far as Magruder and Mitchell were concerned, it was certainly less than satisfactory for them.

MARCH MEETING WITH MR. EGIL KROGH

On either March 28 or 29, Mr. Krogh came to my office because he happened to be in the Executive Office Building. He said he had come to express sympathy for me as a result of the adverse publicity I had received during the Gray hearings. He then began telling me that he had not himself had a good day since his own confirmation hearings and that he had been haunted by his experiences at the White House.

I told Krogh that I thought that there was a very likely possibility that the Senate Watergate committee could stumble into the Ellsberg burglary. I told him that there were documents in the possession of the Justice Department which had been provided by the CIA in connection with the Watergate investigation which contained pictures of Liddy standing in front of Mr. Ellsberg's doctor's office in California.

I told him that I had learned from the CIA that these pictures had been left in a camera returned by Hunt to the CIA and the CIA had developed the pictures. I said I did not believe that the Justice Department knew what the pictures were all about but that any investigator worth his salt would probably track down the incident as a result of the pictures.

I told him that Ehrlichman had requested that I retrieve the documents from the Justice Department and get them back to the CIA where they might be withheld from the committee investigators but the CIA had been unwilling to do so.

Krogh was very distressed to hear this news but said that maybe it was for the best in that he had personally been haunted by this incident for so long that he would like to get it out in the open. We then entered into a discussion about the incident and I asked him if he had received his authorization to proceed with the burglary from Ehrlichman, knowing well that Krogh would not undertake such a mission himself.

Krogh responded that no; he did not believe that Ehrlichman had been aware of the incident until shortly after it had occurred; rather, he had received his orders right out of the "oval office." I was so surprised to hear this that I said, "You must be kidding." And he repeated again that he had received his instructions out of the oval office.

Mr. Krogh also indicated to me that he thought he might have perjured himself during his confirmation hearings and he was very both-

Mr. DEAN. That is correct.

Senator GURNEY. And he, in turn, communicated with Mr. McCord, I guess, through Ulasewicz one time and then himself; is that correct?

Mr. DEAN. That is my understanding.

Senator GURNEY. And my understanding also is that the offer of clemency was made to Mr. McCord, I think, in terms like this: That it comes from the highest authority in the White House; is that substantially correct?

Mr. DEAN. That is correct; yes.

Senator GURNEY. Did you ever advise the President of the United States about that?

Mr. DEAN. No, sir. As I had explained in my testimony, I was proceeding on a conversation I had with Mr. Ehrlichman after Mr. Ehrlichman indicated and Mr. Colson also had indicated that they had talked directly with the President about the matter, something which was later confirmed by the President himself in conversations with him.

Senator GURNEY. Did you ever have a meeting with Mr. Magruder, let me see on this, in January or December, in which there was a discussion about the planning of the Watergate? Do you remember anything about that?

Mr. DEAN. I recall Mr. Magruder coming to my office one time, and this is—I saw part of Mr. Magruder's testimony on this before this committee. It is one if I have seen 3 hours total I would be surprised, but I did see part of Mr. Magruder, I caught one section of the questioning of him, I believe it was during the questioning of him, in which he made a reference to this.

I think what he is referring to—

Senator GURNEY. What did he refer to?

Mr. DEAN. He was referring to the fact that my memory had gotten suddenly foggy. I have never, as I testified before this committee, understood what happened between, with any clarity, between February 4 and June 17, and I was—we were talking about that.

I think he also was referring to the meeting on—he may have been mixing the meetings and referring to the fact that on March 28, when I came back from Camp David, that I was playing very dumb, I was playing very reluctant—and I was. I did not want to engage in a discussion of my recollection of those meetings, because we had gone over that before and I had made my decision by that time as to what I was going to do and I did not want to get into a debate on it.

I believe he also referred to the fact that I taped that conversation. That is not correct.

Senator GURNEY. Let me refer to his testimony when he was here before the committee. He said: "Well, I think the one occasion that did crop up when I asked for an appointment with Mr. Haldeman."

I said: "When was this?"

He said: "That was probably in January, probably in early January, December"—that would have been January of this year or December of last year—it was before that meeting with Haldeman, so it must have been in December. It was when he indicated to me that he did not know how the Watergate had ever been planned, something to that effect.

when there was more discussion of different essentially coverup techniques without getting into great detail because I cannot recall in great detail, everything they were saying the President was asking me, do I agree and I was saying no, and finally, at one point in that meeting I said that, right in front of the President that, I felt that Dean, Haldeman, and Ehrlichman could be indicted for obstruction of justice and this has to be recognized. And I think as a result of that meeting they saw that I had begun to change my attitude about any further involvement in a coverup.

Senator INOUE. "On March 21 Dean gave the President a more complete, but still laundered version of the facts and so surprised the President that according to press accounts of what Dean is saying 'the President came out of his chair.'"

Mr. DEAN. I do not know where that press account came from. The President did not come out of his chair. I have never seen the President come out of his chair other than very easily and slowly at the time that he got up on April 15 to walk around to the corner of the EOB office and then raise something with me. The President of the United States does not come flying out of his chair.

Senator INOUE. "At this meeting Dean indicated that Magruder was involved but that he did not know about Mitchell."

Mr. DEAN. That is correct. As I have said before this committee I have never had a direct conversation with John Mitchell to ask him what his involvement was. On the 28th when I came down from Camp David after there was this discussion about whether I would be willing to perpetuate the story that there had been one meeting in Mitchell's office, there had been a discussion of the election laws and that that was the reason for my presence and it was to introduce Mr. Liddy, at the end of that discussion I said to Mr. Mitchell "I have never asked you of your involvement and I will not ask you of your involvement but I want to hypothesize what I see to be the situation," and I then gave them my hypothesis of the situation and, as a result of that hypothesis, Mr. Mitchell said "that is not far from accurate, but we thought it would be two or three times removed."

Senator INOUE. If you did not know about Mitchell why did you advise the President that Mr. Mitchell could be indicted?

Mr. DEAN. Because based on the information Mr. Magruder had given me, which was inferential and my general assumption of the fact, I was aware of the fact that he had received the information from the electronic surveillance.

Senator INOUE. Did you so advise the President?

Mr. DEAN. Did I so advise the President? I do not recall that I got into a detailed discussion. I was giving the President what I would say was a general overview and letting him come back and ask any specific questions he might wish to ask.

Senator INOUE. Do you not feel it was important enough to advise the President of the United States that his former Attorney General was involved and implicated?

Mr. DEAN. Well, I told him I thought he could be indicted but I told him I did not have the facts for certainty myself that he was indictable.

Senator INOUE. I thought you had just testified that Mr. Magruder, Mitchell, and Dean were indictable?

WednesdayTHE WHITE HOUSE
WASHINGTON

TELEPHONE MEMORANDUM

H.R. HaldeманMarch 28

, 1972

	TIME		DISC	NAME	ACTION
	PLACED				
OUT	8 ⁵⁵	AM		Chuck Colson	
INC	8 ⁵⁵	PM			
OUT	8 ⁵⁵	AM		John Dean	
INC		PM			
OUT	9 ⁰⁰	AM		Frank Stanton	to LK
INC		PM			
OUT	10 ⁰⁰	AM		Jack Hughes GEICO	
INC	10 ⁰⁰	PM			
OUT	5 ¹⁰	AM		John Dean	
INC		PM			
OUT		AM			
INC		PM			
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INC		PM			

NOTE: THIS PAGE APPEARS IN THE TELEPHONE LOGS
OF H. R. HALDEMAN FOR MARCH, 1973. IT IS
MISDATED ON THE LOG AS 1972; IT SHOULD READ 1973.

Mr. DASH. Did you promise him at that time, as he testified, that to the best of your ability, though you no longer were in office, you would help him to either get Executive clemency, support, or rehabilitation, any of the things we have been asking about?

Mr. MITCHELL. Let us take Executive clemency. No, I have never promised that to anybody. Obviously, there is no basis upon which I could.

With respect to, you were talking about support and so forth, what I told Jeb Magruder was that I thought he was a very outstanding young man and I liked and I worked with and to the extent that I could help him in any conceivable way, I would be delighted to do so.

And this was exactly the same conversation that we had the next day down at Haldeman's office.

Mr. DASH. Did Mr. Magruder then ask for that meeting with Mr. Haldeman?

Mr. MITCHELL. Oh, yes.

Mr. DASH. Did he feel he needed that assurance from somebody still in the White House?

Mr. MITCHELL. That is right.

Mr. DASH. And met with Mr. Haldeman on the 28th of March?

Mr. MITCHELL. 28th of March, that is correct.

Mr. DASH. What kind of assurances were being sought by Mr. Magruder there and what was being given to him?

Mr. MITCHELL. Mr. Magruder was again concerned—well, he did not express it too directly—that he thought he might become the fall guy. It seems to me that everybody around this town involved in this all thought they were going to become a fall guy.

Mr. DASH. Did you, Mr. Mitchell?

Mr. MITCHELL. Did I? No. Contrary to the story that I have read I did not believe that to be the case. I am quite anxiously waiting to see if there is some possibility of that other than some misguided counsel who wrote a piece of paper from which cross-examination was to be made.

Mr. DASH. Getting back to Mr. Haldeman and Mr. Magruder's meeting with you on March 28—

Mr. MITCHELL. Yes, it was the same general discussion, "I may have problems with my perjury, I don't have any money, am I going to be deserted, are you people still going to be friends, will I be able to get counsel," and this type of conversation.

Mr. DASH. Did Mr. Haldeman make any kind of promises to Mr. Magruder at that time, in your presence?

Mr. MITCHELL. None other than the fact to help him as a friend and I think Mr. Haldeman has testified to that.

Mr. DASH. Now, did you ever have a meeting with Mr. Magruder and Mr. Dean after that meeting with Mr. Haldeman?

Mr. MITCHELL. Yes sir.

Mr. DASH. What was that meeting about?

Mr. MITCHELL. Well, this was held at Magruder's request because he again was concerned about this perjury question that he might have, and the meeting was a quick runthrough again of the recollection of the individuals as to what was discussed prior to Mr. Magruder's third appearance before the grand jury back in September.

Mr. DASH. Did you agree at that time, Mr. Mitchell, that you would hold the line, at least, if you were called, to limit the meeting to a discussion of the election laws?

Mr. MITCHELL. No, that was not the basis, to hold it to the election laws, Mr. Dash. The basis of it was for the recollection of what had happened and how it would have affected Mr. Magruder in perjury. You see, if you go back Magruder had said there only had been one meeting when there actually had been two, and so forth. It wasn't a question of holding the line on anything. It was a question of the recollection of what actually did happen vis-a-vis what Magruder apparently had testified to.

Mr. DASH. He was obviously concerned as to what your position was going to be if you were called before the grand jury. Did you make any assurances to Mr. Magruder at that time?

Mr. MITCHELL. Any assurances as to what?

Mr. DASH. How would you testify before the grand jury if you were called as to the meetings?

Mr. MITCHELL. I made no assurances as to how I was going to testify. Obviously I was going to testify as to what happened.

Mr. DASH. Did Mr. Dean make any assurances?

Mr. MITCHELL. Mr. Dean had a very hazy recollection of what had happened. Obviously, as I think Mr. Dean testified, he didn't want to discuss the matter. He had already, of course, gone to counsel and was looking after Mr. Dean's problems.

Mr. DASH. Did you learn during April that Mr. Magruder and Mr. Dean had gone to see the prosecutors?

Mr. MITCHELL. I learned about Mr. Magruder, I didn't learn about Mr. Dean.

Mr. DASH. And were you personally aware of Mr. Dean's meetings with the President in March and April that he testified to before this committee?

Mr. MITCHELL. Only the meeting of March 22 at which, of course, I was present.

Mr. DASH. What I am talking about are the meetings of September 15, 1972, the meeting of February 28.

Mr. MITCHELL. Now, Mr. Dash, you are talking about 1972.

Mr. DASH. The meetings of September 15, 1972, with the President, February 28, 1973, March 13, 1973, and March 21. Are you aware of those meetings?

Mr. MITCHELL. Let me put it this way. The only meeting that I was aware of, of Mr. Dean and the President, was the one I attended on March 22.

Mr. DASH. At that meeting was there any discussion by the President, by you or by Mr. Dean, concerning the Watergate, either coverup or who may be involved in an indictment or anything like that on the 22d?

Mr. MITCHELL. None whatsoever. The total discussion had to do with the White House's response to this committee, and I think it was prompted, or at least that was my understanding at the time. It was prompted by the fact that the President was getting a pretty good knocking around in the press on the question of executive privilege. I believe it arose with respect to the Gray hearings but it certainly was to be applicable to this committee's hearings.

1914

Mr. DASH. Could you tell us what the nature of your discussions with Mr. Dean was?

Mr. MITCHELL. I have had so many discussions with Mr. Dean on the matter, I cannot isolate that one.

Mr. DASH. Could you search your mind? I think it is the first time in the public press your name became identified with the break-in.

Mr. MITCHELL. It would have been discussed, I am sure, in the context of what was said in the letter to Judge Sirica or with respect to what came out of your executive session as to what the facts, or allegations, I probably should say, were contained in the particular items.

Mr. DASH. Actually, following up at least that McCord episode, were your meetings with Mr. Magruder on March 27, where he was beginning to be concerned about the unraveling of the operations, so far as he was concerned, your meeting with Mr. Magruder and Mr. Haldeman on March 28 and your later meeting with Mr. Dean, Mr. Magruder, and yourself, on a discussion of what Mr. Magruder was going to do at the grand jury?

Mr. MITCHELL. That is correct.

Mr. DASH. So this was coming to a head at this point, was it not?

Mr. MITCHELL. Well, it was coming to the point where conversations increased as the information came forth from this committee or Mr. McCord or whoever it came forward from.

Mr. DASH. And at that time, were you not in active discussion with Mr. Dean and Mr. Magruder as to how the grand jury testimony was to be carried out?

Mr. MITCHELL. We had that meeting that I have already testified to, Mr. Dash. That is the one meeting we had on the subject matter.

Mr. DASH. And was that the meeting where Mr. Dean had indicated, at least, that you were going to hold fast to your position that there was no discussion of electronic surveillance or intelligence at that meeting?

Mr. MITCHELL. I have never heard that. If you are referring to the memorandum that Mr. Dean wrote after the April 10 meeting, I do not believe that that is contained in there. With respect to the meeting that was held with Dean and Magruder, obviously not. There was no such concept discussed that there would not be revelation of the fact if there had been discussions with the Justice Department on electronic surveillance.

Mr. DASH. Well, Mr. Magruder had made the decision as to what he was going to do. If you all three stood together, he could continue to testify as he had. He had testified to the grand jury in August, he testified at the trial about those meetings. In fact, he said there was one meeting that had been canceled and all he discussed was the election laws. If all three of you had agreed to that, he could have gone back to the grand jury and stuck to that. What he was concerned about, his testimony is, was that the two of you, you and Mr. Dean, were not going to stay with him and it was unraveling as to him, that he had committed perjury and he would go back—

Mr. MITCHELL. That was not the discussion between Dean and Mitchell and Magruder on March 28; the fact that there had been two meetings that were shown in the logs and that the question was whether or not Magruder had perjured himself by the basis upon which he had presented his testimony to the grand jury on this subject.

called me in the Commerce Department and asked me to come to New York. I flew to New York that afternoon, and discussed with him——

Mr. DASH. Do you know, what date that was?

Mr. MAGRUDER. That would be March 27.

Mr. DASH. 27?

Mr. MAGRUDER. A Tuesday.

Mr. DASH. And the year we are talking about 1973?

Mr. MAGRUDER. 1973.

Mr. DASH. What was your discussion with Mr. Mitchell in New York?

Mr. MAGRUDER. Well, I went through all of the problems I thought could occur because of the problems that renewed interest in this case would bring from your committee and from the grand jury and indicated what should I do, and he indicated that I should hold, that he would take care of things, that everything would be taken care of.

Now, at that time I realized that he was no longer directly involved at the White House, as he had been, and so I asked to see Mr. Haldeman with him the next day he was going to Washington.

Mr. DASH. But at that meeting, Mr. Magruder, what did you ask Mr. Mitchell to assure you of?

Mr. MAGRUDER. Again I asked for the same assurances of salary and being taken care of if I had to go away for any period of time.

Mr. DASH. Did you mention Executive clemency?

Mr. MAGRUDER. Yes, I did.

Mr. DASH. Then you say you asked for a meeting with Mr. Haldeman?

Mr. MAGRUDER. Yes, I feel that it would be appropriate since this was something now that he was more directly involved on a day-to-day basis.

Mr. DASH. Did you have that meeting with Mr. Haldeman?

Mr. MAGRUDER. Yes, I did.

Mr. DASH. When?

Mr. MAGRUDER. On the following day, Wednesday, March 28, I think.

Mr. DASH. Who was present?

Mr. MAGRUDER. Mr. Haldeman, Mr. Mitchell, and myself.

Mr. DASH. What was discussed?

Mr. MAGRUDER. Well, we discussed the same things that we had discussed with Mr. Mitchell, that I discussed with Mr. Mitchell. Mr. Haldeman was very careful to indicate to me that he would help me in any way as a friend but could make no commitments for the President; indicated that the real problems were differences of opinion over meetings, particularly the January and February meetings, where, of course, my view was that since the three, Mr. Mitchell, Mr. Dean, and I, had agreed to my testimony that they, therefore, should stay with that agreement.

Mr. Mitchell indicated, of course, he was willing to do this but Mr. Dean indicated that he had some question about it.

Mr. DASH. But, Mr. Magruder at this time everybody knew.

Mr. MAGRUDER. Mr. Haldeman——

Mr. DASH. Everybody knew that that agreement was an agreement based on a false story, was that not true?

Mr. MAGRUDER. Yes, that is correct.

Mr. DASH. And Mr. Haldeman knew that then, did he not?

Mr. MAGRUDER. I cannot recall in my meeting with him in January whether—yes, I am sure I did discuss those meetings, yes.

Mr. DASH. So the attempt to get together and agree on that meeting was an attempt to get together and agree on at least from your point of view, would be the full story?

Mr. MAGRUDER. That is correct, Mr. Haldeman recommended that Mr. Dean and Mr. Mitchell and I meet, which we did that afternoon.

Mr. DASH. What was the result of that meeting?

Mr. MAGRUDER. I realize that Mr. Dean had different opinions then as to what he would do probably, and so then my—I thought that probably it was more appropriate that even on that Monday that I get separate counsel so that I could get advice independent of the individuals who had participated with me in these activities.

Mr. DASH. In other words, you really could not agree at the meeting with Mr. Mitchell and Mr. Dean.

Mr. MAGRUDER. Well, it was cooperative.

Mr. DASH. What was Mr. Dean's position?

Mr. MAGRUDER. He would not indicate a position.

Mr. DASH. All right. Did there come a time when you did get independent counsel?

Mr. MAGRUDER. Yes, Mr. Parkinson, who was counsel of the committee, recommended Mr. Bierbower and on that Saturday I went to meet him, he was out of the country, and I met him and we agreed, he agreed to be my counsel that Saturday evening.

Mr. DASH. Did there come a time when you decided that you should go to the U.S. attorney's office?

Mr. MAGRUDER. Yes, that is correct.

Mr. DASH. When did you go to the U.S. attorney's office?

Mr. MAGRUDER. We agreed, they discussed the things with the U.S. attorney, I think on April 12 and I saw them informally on April 13 and saw them formally on April 14 on Saturday, April 14.

Mr. DASH. At that time did you tell everything to the assistant U.S. attorneys?

Mr. MAGRUDER. Yes, I cooperated.

Mr. DASH. Who did you meet with?

Mr. MAGRUDER. Mr. Silbert, Mr. Glanzer, and Mr. Campbell.

Mr. DASH. Did you tell them everything you are now telling this committee?

Mr. MAGRUDER. Yes.

Mr. DASH. Did you have a meeting afterward with Mr. Ehrlichman?

Mr. MAGRUDER. Yes, Mr. Ehrlichman called while I was with the U.S. attorneys and asked me would I come over and talk to him about the case. We talked to the U.S. attorneys and they agreed as a courtesy that we should and Mr. Bierbower and the other attorney with Mr. Bierbower and I went to see Mr. Ehrlichman that afternoon.

Mr. DASH. Then, according to that meeting that you had with Mr. Ehrlichman, what happened?

Mr. MAGRUDER. We told him in rather capsule form basically what I told you this morning.

Mr. DASH. All right.

Now, I have just two final questions. I want to go back to the time when you came back from California to Washington, putting you back

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111

Mr. Magruder. Earlier than that.

Mr. Dash. -- tell us what happened.

Mr. Magruder. We knew the Grand Jury was reconvening and we knew one mistake the prosecutors made, and the only mistake in defense of the prosecutors, that I think they made is they somehow missed Mr. Reisner. I knew as soon as they got to him the thing would collapse and when they got -- when they all got to Mr. Reisner I was fully aware then much more so than McCord because I knew Mr. McCord's testimony would be hearsay but as soon as they got to Reisner I knew that the case would start collapsing rather quickly. So I went up to New York on a Tuesday and talked to Mr. Mitchell and went through the whole list of things I thought that I would need if I was going to be able to keep up with this story.

Mr. Dash. What was that?

Mr. Magruder. Oh, you know, family, taking care of the family, job, that kind of thing. Executive clemency.

Mr. Dash. What did Mr. Mitchell say?

Mr. Magruder. He was very positive but I knew he was only speaking for himself and he made that quite clear. In fact, I said I can't accept it just now from you because you are here in New York, so he asked me to meet with him and Haldeman the next day which I did. At that meeting -- I think Mr. Haldeman taped it as I understand -- Mr. Haldeman was very careful to say he would do anything he could as a friend to help me but he

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112

couldn't speak for the President. There was a controversy over the meetings.

Mr. Dash. Who was present at that?

Mr. Magruder. Haldeman, Mitchell and myself.

Mr. Dash. When was that?

Mr. Magruder. The Wednesday after the Friday McCord -- the end of the trial. That would be March.

Mr. Dash. March 23 was when Mr. McCord's letter was read.

Mr. Magruder. Tuesday I went to New York, at Mr. Mitchell's request went to New York, discussed the problem. I indicated -- I had already decided that if it got to a Grand Jury place again that I would not be able to personally go through this process again but that I would still try to hold if we could work out some reasonable way we could hold with that story. Then --

Mr. Dash. Then you.

Mr. Magruder. I went through with Mr. Mitchell all the questions.

Mr. Dash. You said that. You weren't satisfied.

Mr. Magruder. I asked to see Mr. Haldeman. We met with Mr. Haldeman next morning.

Mr. Dash. The 29th?

Mr. Magruder. The 29th.

Mr. Dash. Who was present?

Mr. Magruder. Just the three of us.

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113

Mr. Dash. Mitchell --

Mr. Magruder. Haldeman and myself. He indicated he would do anything he could personally to help.

Mr. Dash. What did you say to Haldeman?

Mr. Magruder. In January I had explained to Mr. Haldeman the problem. I explained to him what had happened that night. I didn't know whether he knew the facts in the case and I explained to him all the facts in the case. I went through the whole story in January. This was an interview that he and I had about what I might do after the Inaugural.

Mr. Dash. Did he indicate he knew or didn't know when you told him?

Mr. Magruder. He didn't indicate anything. He just listened, said he understood the problem. That was always --

Mr. Dash. Now we are at March 29.

Mr. Magruder. He said he would do anything he could personally as a friend to help. He had always had been a very good friend and somebody I respected tremendously and enjoyed working for. He said you and John Dean and John Mitchell have to work out this situation. So Mitchell, Dean and I met and the conflict was over these meetings. My point was we all agreed that I would say this about those meetings. Now either you are going to support that or you are not. If you are not going to support that, I am in a serious jam here, and Mr. Dean wouldn't make any commitment. I became very

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concerned at that knowing that Mr. Reisner was probably going to be following on one hand and Dean on the other hand. I went to the two attorneys. They said you --

Mr. Dash. Which two?

Mr. Magruder. Parkinson and O'Brien.

Mr. Dash. What did you tell them?

Mr. Magruder. I said I think I have got serious problems and went through the problems. If Mr. Reisner went, if Mr. Dean said this I would be the one caught in the box here.

Mr. Dash. Was this the first time you spoke to Mr. Parkinson and Mr. O'Brien about the matter of your involvement?

Mr. Magruder. I don't want to say the first time.

Mr. Dash. Earlier you had given Mr. Parkinson the full story.

Mr. Magruder. Yes. So I would say in any detail, yes, in detail. We mentioned it other times. I saw a lot of Parkinson and O'Brien during the entire investigation.

Mr. Dash. After the trial or before?

Mr. Magruder. After the trial.

Mr. Dash. After the trial did you then raise with Parkinson and O'Brien your involvement?

Mr. Magruder. Yes, and they suggested it might be time for me to get independent counsel and they suggested Mr. Bierbower and I went down to see Mr. Bierbower. Within six days we had agreed that the only alternative for me to do is to

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17. On March 28, 1973 John Ehrlichman telephoned Attorney General Kleindienst on the President's instructions and asked Kleindienst a series of questions which the President had dictated and which Ehrlichman had hand written on a piece of paper. Ehrlichman, during the conversation, told Kleindienst that the President directed him to tell the Attorney General that the best information he had or has is that neither Dean, Haldeman, Colson nor Ehrlichman nor anybody in the White House had any prior knowledge of the Watergate burglary and that the President was counting on the Attorney General to provide him with any information to the contrary and to contact him direct. Ehrlichman also told the Attorney General that serious questions were being raised with regard to John Mitchell and the President wanted the Attorney General to communicate to him any evidence or inferences on that subject.

	Page
17.1 John Ehrlichman log, March 28, 1973 (received from SSC).....	400
17.2 John Ehrlichman testimony, 7 SSC 2747-50.....	401
17.3 Richard Kleindienst testimony, 9 SSC 3569.....	405
17.4 Transcript of recorded telephone conversation between Ehrlichman and Kleindienst, March 28, 1973, SSC Exhibit No. 99, 7 SSC 2944-46.....	406
17.5 Dictabelt recording of a telephone conversation between Ehrlichman and Kleindienst on or about March 28, 1973 and House Judiciary Committee transcript thereof.....	409
17.6 President Nixon statement, August 15, 1973, 9 Presidential Documents 991, 993.....	422
17.7 President Nixon news conference, August 22, 1973, 9 Presidential Documents 1016, 1019.....	424

TUESDAY, MARCH 27, 1973

DR

✓ 8:15 HRH office
9:45 Cole, Whitaker, Sneed, Garment (Wounded Knee)
11-1 President
2:30 Phone interview with Oakland Community College (Detroit)
Eric Thuma
3:30 Haircut
4:45 David Young

✓ WEDNESDAY, MARCH 28, 1973

8:15 JDE office (HRH group)
9:30 Sneed, Whitaker, Garment, Hullin (Wounded Knee)
[10:30 Call to AG]
11:00 Natinn's Business cover story interview (Jack Wooldridge, Robert Gray, Wilbur Martin)
3:00 Julie Eisenhower
3:30 Aldo Beckman, Glen Elsasser, Louise Hutchinson, Ed Rohrbach

✓ THURSDAY, MARCH 29, 1973

8:15 HRH office
9:30 American Newspaper Publishers Association
Wellington Hotel
11:00 Energy meeting - Shultz, Kissinger, Scowcroft, DiBona, Simon
1:30 Lunch in HRH office
2:40 President
4:30 Timmons
5:00 Timmons, Pat Gray
5:30 President
7:00 Dixie Lee Ray

2747

other words, he was not going to move against anybody until he had this down and could see what this fellow really had and then would go forward.

Senator GURNEY. Well now, around about this time or somewhat later, and there are so many meetings here that I have really forgotten which occurred when, so perhaps I am going to have to rely on you for that, but did the President lift the phone up at any time and say, "John I want you to come over to the office here and talk about Watergate, what you know about it."

Mr. EHRLICHMAN. No, sir, not until way late in the game. He lifted up the phone one day and called me down and said, "I am satisfied that John Dean is in this so deeply that he simply cannot any longer have anything to do with it."

Senator GURNEY. That is when he transferred the assignment to you?

Mr. EHRLICHMAN. Yes, sir.

Senator GURNEY. What date was that?

Mr. EHRLICHMAN. March 30.

Senator GURNEY. And tell us again precisely what transpired in that phone conversation beyond what you have already.

Mr. EHRLICHMAN. Well, that was a meeting in the President's office on March 30, and it was, as I recall, quite brief. We had had, we were getting ready to leave that same day, as a matter of fact, for California, and he called me down, I am looking for the time to help me, to recall the time of departure here. Yes, we leave at 3 o'clock in the afternoon, we had had a long meeting that morning with Secretary Shultz and Mr. Sonnenfeld about the economy, and that ran from 9 a.m. to about, I don't know, what, 10 a.m. or 11 a.m., something of that kind, a long session, as I recall. He called me down for just about 10 minutes at noontime, and said what I have just told you, and I said, "Well, what is it you expect me to do basically" and he said, "I want you to step into what Dean has been doing here. I need to know about executive privilege, I need to know about attorney-client privilege, I need to have somebody set this strategy with regard to testifying at the committee and the grand jury and these other places and I need to know where the truth lies in this thing." And the only tipoff that I had had to that was a request from him on the 27th, I believe it was, yes, on the 27th.

Senator GURNEY. Is that the meeting between 11 a.m. and 1 p.m. with the President?

Mr. EHRLICHMAN. I believe—yes, yes indeed. That was for the purpose of dictating to me a list of questions that he wanted put to the Attorney General, and I believe that telephone call to the Attorney General which actually was not completed until the next day because he was traveling, is in your file, phone call with Kleindienst on the 28th, and I then went down a handwritten list of questions that the President had put to me about the progress of the case, about the involvement of John Mitchell, possible, any possible evidence that Kleindienst might have, any possible evidence of anybody else being involved at the Committee To Re-Elect, any evidence of any White House staff being involved and the President told me to tell the Attorney General that if he had any such evidence or if he developed any

such evidence, that he was then to transmit it directly to the President, not through me, not through anybody else at the White House but direct to the President, and in that message I did, as you see in the transcript, that I did transmit to the Attorney General.

Senator GURNEY. Do we have those questions that he—

Mr. EHRLICHMAN. No, sir, you do not. They are a part of my notes of the meeting of the 27th which are in the President's file.

Senator GURNEY. How many questions were there?

Mr. EHRLICHMAN. Well, there are about 10 or 12 topics, I think, written out on a piece of paper.

Senator GURNEY. Would you give us to the best of your recollection what the topics were and what the questions were?

Mr. EHRLICHMAN. I think I can do that best, Senator, by looking at that telephone conversation and—because I think that that transcript is quite faithful to the list. I just went down the list in talking with the Attorney General. I don't seem to have that in my—

Senator GURNEY. The telephone.

Mr. EHRLICHMAN. The telephone call with Mr. Kleindienst on the 28th.

Senator GURNEY. I wonder if the committee would hand this to the witness, Mr. Ehrlichman. That apparently is it. If we have another copy I wish I could have it, too, but I think it is better you have it at the moment.

Mr. EHRLICHMAN. We have a copy here; I may have stuck it back in the file.

Thank you very much.

Senator GURNEY. I have a copy here now.

Senator ERVIN. Let the reporter assign that the appropriate exhibit number.

[The document referred to was marked exhibit No. 99.*]

Mr. EHRLICHMAN. Actually the first sentence, as I recall, is only partly on this transcript and it said, "There are a number of things the President wanted me to cover with you," and only the latter half of that sentence is in the transcript.

Senator GURNEY. If we could, Mr. Ehrlichman, this is very important, but if you could summarize these as briefly as you can it will help out the committee because I think my own time is running out here.

Mr. EHRLICHMAN. You will see in the fourth paragraph I said, "No. 1, he wanted me to ask you these two things that I did yesterday about the grand jury and about Baker," meaning Senator Baker, and then we go into an inquiry about some statements that Senator Weicker had made to the press which the President had asked Pat Gray to check into. Then, and the President wanted a report on whether Senator Weicker had any evidence or not to support these assertions.

Senator GURNEY. I think perhaps you had better explain a little more about Senator Baker who is not here so we can know that there is no—

Mr. EHRLICHMAN. Well, the President had designated John Dean as the White House contact on Watergate, or the White House leadman on Watergate, as I say in February. He had also designated the Attorney General as the administration contact to the committee, and had

*See p. 2944.

asked the Attorney General to be in touch with Senator Baker with regard to committee rules and technical matters of that kind.

Senator GURNEY. This was just a liaison matter?

Mr. EHRLICHMAN. Yes, sir.

Senator GURNEY. So he can find out what was going on, what the committee planned to do, that sort of thing?

Mr. EHRLICHMAN. That is correct. So he was asking for a report from the Attorney General on that.

By the way, it comes back to me that in the meeting that Dean and Mitchell and Haldeman and I had in the President's office on the 22d that the President had picked up the phone and called the Attorney General and had given him some questions to ask Senator Baker about committee timing and that kind of thing so that he would be advised of the facts, and he had not yet had the report back from the Attorney General on that.

Then this first page is about Senator Weicker's statements, which was one of the items on the list.

Then at the bottom of page 2 I said, "The President said for me to say this to you that the best information he has had and has, is that neither Dean nor Haldeman nor Colson nor I nor anybody in the committee has had any prior knowledge of this burglary. He said that he is counting on you to provide him with any information to the contrary if it ever turns up. And you just contact him direct. Now as far as the Committee To Re-Elect is concerned he said that serious questions somebody raised with regard to Mitchell and he would likewise want you to communicate with him any evidence or inferences from evidence on that subject."

Senator GURNEY. I think we had better stop there.

The chairman points out to me that we have a vote on the Senate floor.

Senator ERVIN. We will stand in recess.

[Recess.]

Senator ERVIN. Senator Gurney will resume the questioning of the witness.

Senator GURNEY. I think we were there at the bottom of page 2, Mr. Ehrlichman.

Mr. EHRLICHMAN. Yes, sir; I saw during recess that I had skipped over the Attorney General's remarks in the middle of page 2 where in response to my general inquiry, a previous inquiry also, he said he has been emphasizing publicly that "The President wanted the matter investigated, to let the chips fall where they may, but second, if anybody has any information we not only want it, we expect to get it, so we can investigate it and if these indict other people and that anybody who withheld information would be obstructing justice." The Attorney General was saying this to the press and he was getting this out in every way that he knew how.

Now, then at the top of page 3 the significance of the McCord letter which was drafted by Mr. McCord and handed to Judge Sirica and which Judge Sirica read publicly was discussed and evaluated by the Attorney General.

Then, we return to the question about whether or not Mr. Mitchell was involved, and that led to a statement by the Attorney General that

2750

if Mr. Mitchell were to be involved, and he says here that he has no evidence at this time that he is, but if he were, that we should give some thought in such an event to having a special prosecutor, the Attorney General would feel he would have to recuse himself. Then I asked him what the President's position would be in the event of such a thing and at the bottom of page 3 and middle of page 4 he advises such a procedure. Then we discussed, and again this is an item on my list, the matter of immunity; who determines whether immunity will be granted mechanically, and he said the Department of Justice determined that insofar as the grand jury was concerned but so far as the Senate committee is concerned that it made that determination in conjunction, I don't think he said in conjunction with the court, but that these were two separate procedures.

Then another item on my list was the status of the court action which I have referred to previously in testimony here, in answer to a question by Senator Weicker, and then finally I was asked to tell him that there was a possibility that the President wanted to see him in San Clemente the following Saturday. The Attorney General at that time was in Arizona, was planning to be in Los Angeles, and in point of fact that meeting did take place in San Clemente subsequent to this phone call.

Senator GURNEY. Did the President tell you at the time he gave these questions to you why he was asking you to inquire of the Attorney General rather than Mr. Dean, did that come up?

Mr. EHRLICHMAN. No, sir, it did not come up and I did not ask.

Senator GURNEY. But in retrospect you think he was perhaps having doubts whether he was getting a full story or not?

Mr. EHRLICHMAN. Yes, up until then Mr. Dean had been the contact with the Attorney General in matters of this kind.

Senator GURNEY. Then on what date did the President give this full assignment to you to run Watergate down for him?

Mr. EHRLICHMAN. Two days later.

Senator GURNEY. I think I had better stop there, Mr. Chairman, because I have taken enough time.

Senator ERVIN. Well, Senator, I would not want to cut you off. This is a very serious investigation we are making and you could proceed until noon if you have further questions and then we can recess for the lunch hour.

Senator GURNEY. Thank you, Mr. Chairman.

Let me then complete, if we can, the assignment you had from the President to now, be the sort of chief Watergate investigator in the White House.

Would you tell the committee about that, what you found and what you reported to the President?

Mr. EHRLICHMAN. I have tried to disclaim the designation "investigator," Senator, because I don't consider what I did to be an investigation, to a conclusive result.

Senator GURNEY. You certainly can define your role. I didn't mean to imply something you were not doing.

Mr. EHRLICHMAN. I had to get up to speed on this. I was not following the law on the matter and so the first thing that I did in another conversation with the Attorney General was to arrange to have someone in the Department of Justice prepare for me a thorough brief of

3569

have a new Attorney General, confirmation and all the problems, and somebody coming in brandnew right now."

As I always have tried to do, I tried to respect the wishes of the President of the United States. I said, "I hope it is not going to be long after September. I won't be thinking of that date now. I want to get out of here as soon as I can, but I will agree with you that I will not submit my resignation in September."

Mr. DORSEN. I am going to pass by certain other events that occurred in this period, including any role you may have played in the confirmation hearings of Mr. Gray, your receipt of any records from the CIA, and discussions as to the role you were perhaps to play in connection with this committee, and direct your attention instead at this time to a conversation I believe you had with Mr. Ehrlichman on March 28, 1973.

Do you recall that conversation?

Mr. KLEINDIENST. No, sir.

Mr. DORSEN. May we have shown to the witness what purports to be a transcript of a conversation on March 28, 1973, between Mr. Kleindienst and Mr. Ehrlichman?

Mr. KLEINDIENST. Is that the one that Mr. Ehrlichman taped?

Mr. DORSEN. That is correct.

Mr. KLEINDIENST. Then I—I have had my memory vividly refreshed with respect to that conversation.

Mr. DORSEN. Did Mr. Ehrlichman, before that conversation started, tell you he was taping it?

Mr. KLEINDIENST. No, sir. And if he had, some of the words that I used and that appear in this exhibit would not have been said by me, Mr. Dorsen.

Mr. DORSEN. Well, in the interests of moving along I will not attempt to question you about the contents of that conversation but merely about Mr. Ehrlichman's not advising you.

Do you know whether Mr. Ehrlichman made a practice of recording these phone calls?

Mr. KLEINDIENST. I don't know. I learned of this as a result of these hearings. I don't think I have language, appropriate language in a public hearing of this kind, to describe the reaction that I had when I learned of this. I think it is reprehensible. I think it is incredible. The concept of somebody at the White House taping a telephone conversation with the Attorney General of the United States when he is talking to them about business that relates to the President of the United States is just beyond my comprehension. And like I say, I don't want to be subjective but I don't think I have at my command language that adequately expresses my feelings about this incident.

Mr. DORSEN. Does that document that I have shown you appear to be an accurate transcription of the conversation?

Mr. KLEINDIENST. I think so.

Mr. DORSEN. Mr. Chairman, may I request that the transcript be placed in evidence?

Mr. KLEINDIENST. I would like to have the opportunity for the benefit of two persons who used to be friends of mine, Senator Weicker and Judge Sirica, to explain some of the concepts that I had and why I used some of the language that I did as a result of my conversation with Mr. Ehrlichman.

2944

EXHIBIT No. 99

Conversation with AG Kleindienst, March 28, 1973

K. Kleindienst.
E. Ehrlichman.

- E. The President wanted me to cover with you. Are you on an outside line?
K. I'm at my parents' house.
E. Oh, fine, OK, so it's a direct line? Number one, he wanted me to ask you those two things that I did yesterday about the grand jury and about Baker. He had me call Pat Gray and have Pat contact Lowell Weicker to ask Weicker about this second story that he put out yesterday to the effect that he had information about White House involvement. And Weicker told Gray that he was talking there about political sabotage and not about the Water-gate.
K. About the Segretti case?
E. Yeah, and that he was quite vague with Pat as to what he had.
K. I called him also, you know, after I talked to the President on Monday.
E. Well, the President's feeling is that it wouldn't be too bad for you in your press conferences in the next couple of days to take a swing at that and just say we contacted the Senator because we continue to exercise diligence in this thing and we're determined to track down every lead and it turns out he doesn't have anything.
K. I would really at this delicate point question the advisability of provoking, you know, a confrontation with Weicker. He's essentially with us, he and Baker get along good.
E. Is he?
K. Baker has had a long talk with him and told him to shut up and said that he would and I talked with him on Sunday after he said he didn't have anything but he's kind of an excitable kid and we just might not want to alienate him and I think that if he finds himself in a direct word battle with the White House and me and loses face about it I think in the long run we might need that guy's vote.
E. I see. You don't think that this is evidence of alienation to the point of no return then?
K. No. You mean by Lowell?
E. Yeah.
K. No I don't. He's pretty disenchanted with the whole concept of it. Connecticut politician——
E. Well, use your own judgment on it, Richard.
K. On TV I guess 7 or 8 times this Sunday when I finished my testimony before my appropriations committee all three networks I referred to the letter that I sent to Sirica and I also emphasized and repeatedly said (a) the President wants this investigated, let the chips fall where they will but secondly that if anybody has any information we not only want it we expect to get it so we can investigate it and if necessary indict other people and that anybody who withholds information like that is obstructing justice. But I did not refer to Weicker. And my judgment right now is not to do so.
E. OK, OK.
K. If he gets to that point, the hell with him.
E. Well, our uneducated and uninformed impression was that he was trying to develop an attack line here on the White House or the President.
K. If that . . . if we would conclude that that is what he's up to that he is completely alienated then I say we've got to take him on.
E. Well, keep track of that and you'll be talking to Baker and you get a feel of it. OK, now, the President said for me to say this to you. That the best information he had and has is that neither Dean nor Haldeman nor Colson nor I nor anybody in the White House had any prior knowledge of this

2945

- burglary. He said that he's counting on you to provide him with any information to the contrary if it ever turns up and you just contact him direct. Now as far as the Committee to re-elect is concerned he said that serious questions are being raised with regard to Mitchell and he would likewise want you to communicate to him any evidence or inferences from evidence on that subject.
- K. With respect to them, unless something develops with these 7 people who were convicted all those people testified under oath before a grand jury and their testimony was not contradictory and until something comes along I think this fellow McCord if he has something besides his own testimony in addition to that to refute the sworn testimony, then you'd have to do it. The comment that I made yesterday about McCord was that it takes—
- E. Take him for what he is.
- K. He's facing a long jail sentence and he has all kinds of motives to say all kinds of things but I also pointed out that most of the people, well, these people who were involved were interviewed by the FBI and they testified under oath before a grand jury to the contrary of what McCord is saying. But I understand the President's direction.
- E. He's concerned about Mitchell.
- K. So am I.
- E. And he would want to have a private communication from you if you are possessed of any information that you think he ought to have with regard to John.
- K. Now he ought to think about John—McCord or Liddy or Hunt or any of these 7, you know, testify under oath specifically to their knowledge they have a basis for saying so that Mitchell or any of these guys knew about it; we have a very serious problem. Possible perjury, possibility of going back to the grand jury, they have a grand jury determine when anyone should be indicted. When you talk about Mitchell and me that really creates the highest conflict of interest. And we want to give some thought to having in such an event having a special prosecutor.
- E. What is the procedure for that?
- K. Well, I don't know. I think that the President could appoint somebody as a special prosecutor to direct the FBI to cooperate with him, giving them an opportunity to hire some attorneys, you know, on his staff and then just have complete authority to have his own investigation and if there's evidence that comes out that there were acts of criminal behavior have them presented to a grand jury then proceed with it.
- E. Could you have somebody brief out how that's done? Just so we know? And the question would be whether the President or Sirica or you or you know who actually does it?
- K. Well it wouldn't be the judge. The judge has no jurisdiction. I think it would be the President.
- E. OK.
- K. But it has its own problems that by doing that you in effect say publicly well OK the Department of Justice and the Attorney General the U.S. Attorney and the FBI all corrupt. I've now found that out and have got to get myself a new—
- E. Of course we've resisted that right straight through.
- K. I think that we have to do it in the event that it appears that Mitchell himself is going to be involved in any further litigation because all the men who are doing this who have worked for him been appointed and I think if it came down to him that that's what I would seriously start thinking about, recommending.
- E. Also this business of the grant of immunity to witnesses before the grand jury, is that peculiarly in the province of the court?
- K. No, that's the Department of Justice.
- E. That is?
- K. In almost every criminal case of any consequence when we convict somebody the next thing to do is haul them back in before a grand jury to find out what they know. You have to do it in this case—always going to do it. Quite a limitation posed on us John is that—who couldn't cut it (inaudible). But you have two really distinct situations here. You have the Watergate inquiry by Senator Ervin, that's the political side of it. And then you have the obligation imposed upon us to investigate criminal conduct. Two separate distinct operations. They're getting all fuzzed up.

2946

- E. What progress are they making right now, have you had a reading on it?
- K. Well, the last time I talked to Henry Monday because of Sirica's sentencing procedures it got a little boxed up. Sirica is really lousing this thing up. I don't know. I'm going to talk to Petersen this morning and I'll call you back.
- E. OK, great, that's all I had on my list.
- K. Thanks, John.
- E. Now, he said that there was a possibility he'd like to see you in San Clemente Saturday morning first thing. So you might just keep that in the back of your mind. Don't rearrange any of your schedules or anything but I'll let you know if that materializes. We'd send a chopper up to LA for you. Thank you.
- K. OK.

TRANSCRIPT PREPARED BY THE IMPEACHMENT INQUIRY
STAFF FOR THE HOUSE JUDICIARY COMMITTEE OF A
RECORDING OF A TELEPHONE CONVERSATION BETWEEN
RICHARD G. KLEINDIENST AND JOHN D. EHRLICHMAN
ON MARCH 28, 1973

EHRLICHMAN: Uh, the President wanted me to cover with you -- are you on an outside line?

KLEINDIENST: I'm at my parents' house.

EHRLICHMAN: Oh, fine, okay, so it's a direct line?

KLEINDIENST: No problem.

EHRLICHMAN: Uh, number one, he wanted me to ask you those two things that I did yesterday about the grand jury and about Baker. Uh, he had me call Pat, Pat Gray and have Pat contact Lowell Weicker to ask Weicker about this second story that he put out yesterday to the effect that he had information about White House involvement. And, uh, Weicker told Gray that, uh, uh, he was talking there about political sabotage and not about the Watergate.

KLEINDIENST: Talking about the Segretti testimony.

EHRLICHMAN: Yeah, yeah, and that, uh, uh he was quite vague with Pat as to what he had.

17.5 TRANSCRIPT OF MARCH 28, 1973 TELEPHONE CONVERSATION

KLEINDIENST: Yeah, I called, I called him also, you know, after I talked to the President on

EHRlichman: Yeah.

KLEINDIENST: Monday [unintelligible]

EHRlichman: Right. Well, the President's feeling is that, uh, it wouldn't be too bad for you in your press conferences in the next couple of days to take a, to take a swing at that

KLEINDIENST: Okay.

EHRlichman: and just say, uh, we contacted the Senator because we continue to exercise diligence in this thing and we're determined to track down every lead, and uh, it turns out he doesn't have anything.

KLEINDIENST: I would really, uh, at this delicate point question the advisability of provoking, you know, a confrontation with Weicker. He's essentially with us, he and Baker get along good.

EHRlichman: Is he?

KLEINDIENST: Baker is -- had a long talk with him and told him to shut up and said he would and I talked to him on

Sunday and, you know, after he said he didn't have anything, uh, but he's kind of an excitable kid and [clears throat] we just might, just might not want to, you know, alienate him and I think that if he finds himself in a direct word battle with the White House and me and if he gets his, you know, his face [chuckles] loses face about it

EHRlichman: Yeah.

KLEINDienst: I think in the long run we might need that guy's vote.

EHRlichman: I see.

KLEINDienst: You know.

EHRlichman: You think, you, you don't think that this is evidence of alienation to the point of, uh, no return then?

KLEINDienst: No. You mean by Lowell?

EHRlichman: Yeah.

KLEINDienst: No, I don't.

EHRlichman: Okay.

KLEINDienst: But it's, you know, he's pretty disenchanted with the whole concept of it and he is also willing to talk about this Connecticut politician --

EHRlichman: Well, use your own judgment on it, Richard.

KLEINDienst: In, uh, [clears throat] on T.V. I guess seven or eight times this Sunday when I finished my testimony before my appropriations committee [unintelligible] all three networks out there, I referred to the letter that I sent to Sirica and I also emphasized and repeatedly said (a) the President wants this investigated, let the chips fall where they will, but secondly that if anybody has any information, you know, uh, we not only want it, we expect to get it so you can investigate it and if necessary indict other people

EHRlichman: Right.

KLEINDienst: and that anybody who withholds information like that, you know, is, uh, obstructing justice.

EHRlichman: Right.

KLEINDienst: Uh, but I did not refer to Weicker.

EHRlichman: Okay.

KLEINDienst: And my, my judgment right now is not to do so.

EHRlichman: Okay, okay.

KLEINDIENST: If he gets to that point, the hell with him.

EHRlichman: Well --

KLEINDIENST: If he gets to that point, uh --

EHRlichman: our [clears throat] our, uh, uneducated and uninformed impression was that he was trying to develop, uh, uh, an attack line here on, uh, the White House or the President.

KLEINDIENST: Well, if that . . . if we would conclude, you know, that that is what he's up to, and that he is completely alienated, you know, then I say we've got to take him on.

EHRlichman: Well, keep, keep track of that and, uh, you'll be talking to Baker and, and you get a feel of it. Okay, now, the President said for me to say this to you. That [clears throat] the best information he had, and has, is that neither Dean nor Haldeman nor Colson nor I nor anybody in the White House had any prior knowledge of this burglary.

KLEINDIENST: Right.

EHRlichman: He said that, uh, he's counting on you to provide him with any information to the contrary if it ever turns up

KLEINDIENST: That's right.

EHRlichman: and, uh, you just contact him direct. Now as far as the Committee to Re-elect is concerned, uh, he said that, uh, uh, uh, serious questions are being raised with regard to Mitchell and, uh, he would likewise want you to communicate to him any, uh, evidence or inferences from evidence, uh, on that subject.

KLEINDIENST: Well, with respect to them, unless [clears throat] something develops, you know, with these seven people who were convicted, you know, all those people testified under oath before a grand jury and their testimony was not contradicted, uh, and until something comes along I take this fellow McCord, you know, not that I --

EHRlichman: Yeah.

KLEINDIENST: indicate a link to Magruder -- if he has something besides his own testimony, you know, in addition to that to refute the sworn testimony, then you'd have to do it. The comment that I made yesterday about McCord was that it takes --

EHRlichman: [Unintelligible] Yeah.

KLEINDIENST: convicted felon.

EHRlichman: Yeah.

KLEINDienst: He's facing a long jail sentence and he has all kinds of motives to say all kinds of things but I also pointed out that [clears throat] most of the people, well, these people who were involved were interviewed by the FBI and they testified under oath before a grand jury to the contrary of what McCord is saying. So, but I'm, I understand the President's direction. [Unintelligible]

EHRlichman: He's, he's concerned about Mitchell, and uh,

KLEINDienst: So am I.

EHRlichman: Uh, he, he would want to have a private communication from you if you are, uh, possessed of any information that you think he ought to have, uh, with regard to John.

KLEINDienst: I understand.

EHRlichman: Uh, now, uh, he's up, he's --

KLEINDienst: Maybe you ought to think about John when you talk to the President -- If, if McCord or Liddy or Hunt or any of these seven, you know, uh, testify under oath specifically, you know, to their knowledge, you know, they have a basis for saying so that Mitchell or any of these guys knew about it;

17.5 TRANSCRIPT OF MARCH 28, 1973 TELEPHONE CONVERSATION

EHRlichman: Um hm.

KLEINDienst: then we a, we have a very serious problem. You know, possible perjury, possibility of going back to the grand jury, they have a grand jury determine whether any one of them should be indicted. When you talk about Mitchell you know, uh, and myself, you know, that really creates, you know, the highest [chuckles] form of, you know, conflict of interest.

EHRlichman: Yeah.

KLEINDienst: You might say, and we might want to give some thought to having -- in such an event, having a special prosecutor.

EHRlichman: What is the procedure for that?

KLEINDienst: Well, I don't know. I, I think that the President could appoint somebody as a special prosecutor to direct the FBI to cooperate with him, giving them an opportunity to hire some attorneys, you know, on his staff and let him, uh, just have complete authority to have his own investigation and if there's evidence that comes out that there were acts of criminal behavior have them presented to a grand jury, you know, and then proceed with it.

EHRlichman: Could, could you have somebody brief out how that's done?

KLEINDIENST: Uh --

EHRlichMAN: Just so we know?

KLEINDIENST: Okay.

EHRlichMAN: And, uh, uh, uh, the question would be whether the President or Sirica or you or, or, you know, who actually does it?

KLEINDIENST: Yes, well, it wouldn't be the judge. The judge has no, no jurisdiction in the area.

EHRlichMAN: All right.

KLEINDIENST: I think it would be the President.

EHRlichMAN: All right.

KLEINDIENST: He would do it.

EHRlichMAN: Okay.

KLEINDIENST: But I, I, it has its own problems that by doing that you in effect say publicly well okay the Department of Justice and the Attorney General, the U. S. Attorney, and the FBI, you know --

EHRlichMAN: All corrupt.

KLEINDIENST: all corrupt.

17.5 TRANSCRIPT OF MARCH 28, 1973 TELEPHONE CONVERSATION

EHRlichman: Yeah.

KLEINDienst: I've now found that out

EHRlichman: Yeah.

KLEINDienst: and I've got to get myself a new --

EHRlichman: Right. Well, of course we've resisted that

KLEINDienst: I know it.

EHRlichman: right straight through.

KLEINDienst: [Unintelligible] But I, but I think that we have to do it in the event that it appears that Mitchell himself is going to be involved

EHRlichman: I get it.

KLEINDienst: in any further litigation because all the men who are doing this who have worked for him -- been appointed, you know, uh, and I think that if it came down to him that that's what I would seriously start thinking about, recommending such an [unintelligible].

EHRlichman: Also this business of the grant of immunity to witnesses before the grand jury, uh, is that peculiarly in the province of the Court?

17.5 TRANSCRIPT OF MARCH 28, 1973 TELEPHONE CONVERSATION

KLEINDIENST: No, that's the Department of Justice.

EHRlichman: That is?

KLEINDIENST: In almost every criminal case of any consequence when we convict somebody the next thing we do is haul them back in before a grand jury [unintelligible] to find out what they know.

EHRlichman: Uh huh.

KLEINDIENST: Uh, you have to do it in this case -- you're always going to do it in this case, notwithstanding Sirica.

EHRlichman: Yeah.

KLEINDIENST: Part of the limitation imposed upon us John is that he is the only one who can cut it in all this.

EHRlichman: Right.

KLEINDIENST: [Unintelligible] Progress.

EHRlichman: Right.

KLEINDIENST: Under conditions [unintelligible]. But [clears throat] you have two really distinct situations here. You have the Watergate inquiry by Senator Ervin, that's the political

EHRlichman: Yeah.

17.5 TRANSCRIPT OF MARCH 28, 1973 TELEPHONE CONVERSATION

KLEINDIENST: [Unintelligible] And then you have the obligation imposed upon us to investigate criminal conduct.

EHRlichMAN: Yeah.

KLEINDIENST: And, and they are two separate distinct operations. They're getting all fuzzed up. That's the problem.

EHRlichMAN: What uh, uh, what progress are they making right now, have you had a reading on it?

KLEINDIENST: Well, the last time I talked with, with Henry uh, uh, Monday [clears throat] because of Sirica's sentencing procedures it got a little boxed up. Sirica has really loused this thing up. Uh, so, uh, I, I don't know. I'm going to talk to Petersen this morning and [unintelligible] if there is anything [unintelligible] Petersen, I'll call you back.

EHRlichMAN: Okay, great,

KLEINDIENST: Good enough.

EHRlichMAN: that's all I had on my list.

KLEINDIENST: Thanks, John.

EHRlichMAN: Now, uh, he said that, uh, there was a possibility he'd like to see you in San Clemente Saturday morning

17.5 TRANSCRIPT OF MARCH 28, 1973 TELEPHONE CONVERSATION

KLEINDIENST: Saturday morning --

EHRlichMAN: first thing. So you might just keep that in the back of your mind. Don't rearrange any of your schedules or anything

KLEINDIENST: Right.

EHRlichMAN: but I'll let you know if that materializes.

KLEINDIENST: Okay.

EHRlichMAN: We'd send a chopper up to L. A. for you.

KLEINDIENST: Right.

EHRlichMAN: Okay.

KLEINDIENST: Right.

EHRlichMAN: Thank you.

KLEINDIENST: Bye.

The time has come to turn Watergate over to the courts, where the questions of guilt or innocence belong. The time has come for the rest of us to get on with the urgent business of our Nation.

Last November, the American people were given the clearest choice of this century. Your votes were a mandate, which I accepted, to complete the initiatives we began in my first term and to fulfill the promises I made for my second term.

This Administration was elected to control inflation—to reduce the power and size of Government—to cut the cost of Government so that you can cut the cost of living—to preserve and defend those fundamental values that have made America great—to keep the Nation's military strength second to none—to achieve peace with honor in Southeast Asia, and to bring home our prisoners of war—to build a new prosperity, without inflation and without war—to create a structure of peace in the world that would endure long after we are gone.

These are great goals, they are worthy of a great people, and I would not be true to your trust if I let myself be turned aside from achieving those goals.

If you share my belief in these goals—if you want the mandate you gave this Administration to be carried out—then I ask for your help to ensure that those who would exploit Watergate in order to keep us from doing what we were elected to do will not succeed.

I ask tonight for your understanding, so that as a Nation we can learn the lessons of Watergate and gain from that experience.

I ask for your help in reaffirming our dedication to the principles of decency, honor, and respect for the institutions that have sustained our progress through these past two centuries.

And I ask for your support in getting on once again with meeting your problems, improving your life, building your future.

With your help, with God's help, we will achieve those great goals for America.

Thank you and good evening.

NOTE: The President spoke at 9 p.m. in his Oval Office at the White House. His address was broadcast live on radio and television.

The Watergate Investigation

Statement by the President. August 15, 1973

On May 17 the Senate Select Committee began its hearings on Watergate. Five days later, on May 22, I issued a detailed statement discussing my relationship to the matter. I stated categorically that I had no prior knowledge of the Watergate operation and that I neither knew of nor took part in any subsequent efforts to cover it up. I also stated that I would not invoke executive privilege as to testimony by present and former members of my White House Staff with respect to possible criminal acts then under investigation.

Thirty-five witnesses have testified so far. The record is more than 7,500 pages and some 2 million words long. The allegations are many, the facts are complicated, and

the evidence is not only extensive but very much in conflict. It would be neither fair nor appropriate for me to assess the evidence or comment on specific witnesses or their credibility. That is the function of the Senate Committee and the courts. What I intend to do here is to cover the principal issues relating to my own conduct which have been raised since my statement of May 22, and thereby to place the testimony on those issues in perspective.

I said on May 22 that I had no prior knowledge of the Watergate operation. In all the testimony, there is not the slightest evidence to the contrary. Not a single witness has testified that I had any knowledge of the planning for the Watergate break-in.

It is also true, as I said on May 22, that I took no part in, and was not aware of, any subsequent efforts to

write a complete report on all that he knew of the entire Watergate matter. On March 28, I had Mr. Ehrlichman call the Attorney General to find out if he had additional information about Watergate generally or White House involvement. The Attorney General was told that I wanted to hear directly from him, and not through any staff people, if he had any information on White House involvement or if information of that kind should come to him. The Attorney General indicated to Mr. Ehrlichman that he had no such information. When I learned on March 30 that Mr. Dean had been unable to complete his report, I instructed Mr. Ehrlichman to conduct an independent inquiry and bring all the facts to me. On April 14, Mr. Ehrlichman gave me his findings, and I directed that he report them to the Attorney General immediately. On April 15, Attorney General Kleindienst and Assistant Attorney General Petersen told me of new information that had been received by the prosecutors.

By that time the fragmentary information I had been given on March 21 had been supplemented in important ways, particularly by Mr. Ehrlichman's report to me on April 14, by the information Mr. Kleindienst and Mr. Petersen gave me on April 15, and by independent inquiries I had been making on my own. At that point, I realized that I would not be able personally to find out all of the facts and make them public, and I concluded that the matter was best handled by the Justice Department and the grand jury. On April 17, I announced that new inquiries were underway, as a result of what I had learned on March 21 and in my own investigation since that time. I instructed all Government employees to cooperate with the judicial process as it moved ahead on this matter and expressed my personal view that no immunity should be given to any individual who had held a position of major importance in this Administration.

My consistent position from the beginning has been to get out the facts about Watergate, not to cover them up.

On May 22 I said that at no time did I authorize any offer of executive clemency for the Watergate defendants, nor did I know of any such offer. I reaffirm that statement. Indeed, I made my view clear to Mr. Ehrlichman in July 1972, that under no circumstances could executive clemency be considered for those who participated in the Watergate break-in. I maintained that position throughout.

On May 22 I said that "it was not until the time of my own investigation that I learned of the break-in at the office of Mr. Ellsberg's psychiatrist, and I specifically authorized the furnishing of this information to Judge Byrne." After a very careful review, I have determined that this statement of mine is not precisely accurate. It was on March 17 that I first learned of the break-in at the office of Dr. Fielding, and that was 4 days before the beginning of my own investigation on March 21. I was

told then that nothing by way of evidence had been obtained in the break-in. On April 18 I learned that the Justice Department had interrogated or was going to interrogate Mr. Hunt about this break-in. I was gravely concerned that other activities of the Special Investigations Unit might be disclosed, because I knew this could seriously injure the national security. Consequently, I directed Mr. Petersen to stick to the Watergate investigation and stay out of national security matters. On April 25 Attorney General Kleindienst came to me and urged that the fact of the break-in should be disclosed to the court, despite the fact that, since no evidence had been obtained, the law did not clearly require it. I concurred and authorized him to report the break-in to Judge Byrne.

In view of the incident of Dr. Fielding's office, let me emphasize two things.

First, it was and is important that many of the matters worked on by the Special Investigations Unit not be publicly disclosed because disclosure would unquestionably damage the national security. This is why I have exercised executive privilege on some of these matters in connection with the testimony of Mr. Ehrlichman and others. The Senate Committee has learned through its investigation the general facts of some of these security matters and has to date wisely declined to make them public or to contest in these respects my claim of executive privilege.

Second, I at no time authorized the use of illegal means by the Special Investigations Unit, and I was not aware of the break-in of Dr. Fielding's office until March 17, 1973.

Many persons will ask why, when the facts are as I have stated them, I do not make public the tape recordings of my meetings and conversations with members of the White House Staff during this period.

I am aware that such terms as "separation of powers" and "executive privilege" are lawyers' terms, and that those doctrines have been called "abstruse" and "esoteric." Let me state the commonsense of the matter. Every day a President of the United States is required to make difficult decisions on grave issues. It is absolutely essential, if the President is to be able to do his job as the country expects, that he be able to talk openly and candidly with his advisers about issues and individuals and that they be able to talk in the same fashion with him. Indeed, on occasion, they must be able to "blow off steam" about important public figures. This kind of frank discussion is only possible when those who take part in it can feel assured that what they say is in the strictest confidence.

The Presidency is not the only office that requires confidentiality if it is to function effectively. A Member of Congress must be able to talk in confidence with his assistants. Judges must be able to confer in confidence with their law clerks and with each other. Throughout our entire history the need for this kind of confidentiality

ACTION

*Announcement of Intention To Nominate
Harry J. Hogan To Be Associate Director for
Policy and Program Development.
August 21, 1973*

The President today announced his intention to nominate Harry J. Hogan, of Bethesda, Md., to be Associate Director of ACTION for Policy and Program Development. He will succeed Charles W. Ervin, who resigned effective September 4, 1973.

Since 1972, Mr. Hogan has been director of government relations for Catholic University, in Washington, D.C. From 1971 to 1972, he was engaged in the private practice of law, served as a consultant on educational and environmental matters, and was professor of law at Delaware Law School, in Wilmington, Del. From 1969 to 1971, he was counsel of the House Special Subcommittee on Education.

He was born on May 2, 1914, in Newark, N.J. Mr. Hogan was graduated magna cum laude from Princeton University, received his LL.B. from Columbia Law School, and received his Ph. D. in American History from George Washington University. He served in the U.S. Navy during World War II, attaining the rank of commander.

From 1947 to 1952, Mr. Hogan was on the legal staff of the Tennessee Valley Authority, the Bureau of Land Management, and the Bureau of Indian Affairs. From 1952 to 1961, he was engaged in the private practice of law in The Dalles, Oreg., where he was twice elected District Attorney (1956 and 1960). From 1961 to 1963, Mr. Hogan served as general counsel of the Bonneville Power Administration, in Portland, Oreg.; as Associate Solicitor for Water and Power of the Department of the Interior, and as Legislative Counsel of the Department of the Interior.

Mr. Hogan is married and has three daughters. The Hogans reside in Bethesda, Md.

NOTE: The announcement was released in San Clemente, Calif.

THE PRESIDENT'S NEWS CONFERENCE OF AUGUST 22, 1973

Held at the Western White House

SECRETARY OF STATE

THE PRESIDENT. Ladies and gentlemen, I have an announcement before going to your questions.

It is with the deep sense of not only official regret, but personal regret, that I announce the resignation of Secretary of State William Rogers, effective September 3. A letter, which will be released to the press after this conference, will indicate my appraisal of his work as Secretary of State.¹

I will simply say at this time that he wanted to leave at the conclusion of the first 4 years. He agreed to stay on because we had some enormously important problems coming up, including the negotiations which resulted in the end of the war in Vietnam, the Soviet summit, the European Security Conference, as well as in other areas—Latin America and in Asia—where the Secretary of State, as you know, has been quite busy over these past 8 months.

As he returns to private life, we will not only miss him, in terms of his official service, but I shall particularly miss him because of his having been, through the years, a very close personal friend and adviser.

That personal friendship and advice, however, I hope still to have the benefit of, and I know that I will.

¹ For an exchange of letters between the President and Secretary of State Rogers, see page 1025 of this issue.

THE PRESIDENT. I don't believe, first, it would satisfy the public mind, and it should not. The second point is that as Mr. Wright, who argued the case, I understand very well, before Judge Sirica this morning, has indicated, to have the tapes listened to—he indicated this also in his brief—either by a prosecutor or by a judge or *in camera*, or in any way, would violate the principle of confidentiality, and I believe he is correct. That is why we are standing firm on the proposition that we will not agree to the Senate committee's desire to have, for example, its chief investigator listen to the tapes, or the Special Prosecutor's desire to hear the tapes, and also why we will oppose, as Mr. Wright did in his argument this morning, any compromise of the principle of confidentiality.

Let me explain very carefully that the principle of confidentiality either exists or it does not exist. Once it is compromised, once it is known that a conversation that is held with the President can be subject to a subpoena by a Senate committee, by a grand jury, by a prosecutor, and be listened to by anyone, the principle of confidentiality is thereby irreparably damaged. Incidentally, let me say that now that tapes are no longer being made, I suppose it could be argued that, what difference does it make now, now that these tapes are also in the past. What is involved here is not only the tapes; what is involved, as you ladies and gentlemen well know, is the request on the part of the Senate committee and the Special Prosecutor, as well, that we turn over Presidential papers, in other words, the records of conversations with the President made by his associates. Those papers, and the tapes as well, cannot be turned over without breaching the principle of confidentiality. It was President Truman that made that argument very effectively in his letter to a Senate committee, or his response to a Congressional committee, a House committee it was, in 1953, when they asked him to turn over his papers. So whether it is a paper or whether it is a tape, what we have to bear in mind is that for a President to conduct the affairs of this office and conduct them effectively, he must be able to do so with the principle of confidentiality intact. Otherwise, the individuals who come to talk to him, whether it is his advisers, or whether it is a visitor in the domestic field, or whether it is someone in a foreign field, will always be speaking in a eunuch-like way, rather than laying it on the line as it has to be laid on the line if you are going to have the creative kind of discussion that we have often had, and it has been responsible for some of our successes in the foreign policy period, particularly in the past few years.

Q. Mr. President, could you tell us who you personally talked to in directing that investigations be made both in June of '72, shortly after the Watergate incident, and last March 21, when you got new evidence and ordered a more intensive investigation?

THE PRESIDENT. Certainly. In June, I, of course, talked to Mr. MacGregor first of all, who was the new chairman of the committee. He told me that he would conduct a thorough investigation as far as his entire com-

mittee staff was concerned. Apparently that investigation was very effective except for Mr. Magruder, who stayed on. But Mr. MacGregor does not have to assume responsibility for that. I say not responsibility for it because basically what happened there was that he believed Mr. Magruder, and many others have believed him, too. He proved, however, to be wrong.

In the White House, the investigation's responsibility was given to Mr. Ehrlichman at the highest level, and in turn he delegated them to Mr. Dean, the White House Counsel, something of which I was aware, and of which I approved.

Mr. Dean, as White House Counsel, therefore sat in on the FBI interrogations of the members of the White House Staff because what I wanted to know was whether any member of the White House Staff was in any way involved. If he was involved, he would be fired. And when we met on September 15, and again throughout our discussions in the month of March, Mr. Dean insisted that there was not—and I use his words—"a scintilla of evidence" indicating that anyone on the White House Staff was involved in the planning of the Watergate break-in.

Now, in terms of after March 21, Mr. Dean first was given the responsibility to write his own report, but I did not rest it there. I also had a contact made with the Attorney General himself, Attorney General Kleindienst, told him—it was on the 27th of March—to report to me directly anything that he found in this particular area, and I gave the responsibility to Mr. Ehrlichman on the 29th of March to continue the investigation that Mr. Dean was unable to conclude, having spent a week at Camp David and unable to finish the report.

Mr. Ehrlichman questioned a number of people in that period at my direction, including Mr. Mitchell, and I should also point out that as far as my own activities were concerned, I was not leaving it just to them. I met at great length with Mr. Ehrlichman, Mr. Haldeman, Mr. Dean and Mr. Mitchell on the 22d. I discussed the whole matter with them. I kept pressing for the view that I had had throughout, that we must get this story out, get the truth out, whatever and whoever it is going to hurt, and it was there that Mr. Mitchell suggested that all the individuals involved in the White House appear in an executive session before the Ervin committee. We never got that far, but at least that is an indication of the extent of my own investigation.

Q. Mr. President, you have said repeatedly that you tried to get all the facts, and just now you mentioned the March 22 meeting. Yet former Attorney General John Mitchell said that if you had ever asked him at any time about the Watergate matter, he would have told you the whole story, chapter and verse. Was Mr. Mitchell not speaking the truth when he said that before the committee?

THE PRESIDENT. Now, Mr. Lisagor, I am not going to question Mr. Mitchell's veracity, and I will only say that throughout I had confidence in Mr. Mitchell. Mr. Mitch-

18. On August 22, 1973 the President publicly stated that on the 29th of March he directed Ehrlichman to continue the investigation that Dean was unable to conclude.

Page

18.1 President Nixon news conference, August 22, 1973,
9 Presidential Documents 1016, 1019..... 428

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THE PRESIDENT. Now, Mr. Lisagor, I am not going to question Mr. Mitchell's veracity, and I will only say that throughout I had confidence in Mr. Mitchell. Mr. Mitch-

19. On March 29, 1973 a report of James McCord's testimony at an executive session in the Senate Select Committee on March 28, 1973 appeared in the national press. The report said, among other things, that McCord testified that he had been told that John Mitchell, Charles Colson, John Dean and Jeb Magruder had prior knowledge of the Water-gate bugging operation.

	Page
19.1 <u>Washington Post</u> , March 29, 1973, A1, A18.....	432
19.2 James McCord testimony, SSC Executive Session, March 28, 1973, 10-17, 31-32.....	434

Mitchell Is Linked To Bugging Plans

By Bob Woodward and Carl Bernstein

Washington Post Staff Writers

James W. McCord Jr. testified under oath yesterday that he was told by his principal superior in the Watergate conspiracy—that former Attorney General John N. Mitchell had personally approved plans to bug the Democrats' headquarters, according to Senate sources.

McCord testified that his coconspirator and former White House aide, G. Gordon Liddy, told him that Mitchell had approved the plans and budget for the bugging while Mitchell was still serving as attorney general in February, 1972, the sources said.

According to the sources, McCord indicated that he knew of additional illegal wiretaps but would not discuss them with the Senate Watergate committee unless he is granted immunity from further prosecution.

McCord also said that he had been told by Liddy and former White House consultant E. Howard Hunt Jr., another conspirator, that presidential counsel John W. Dean III and former White House assistant Jeb Stuart Magruder had advance knowledge of the bugging operation, according to the sources.

In addition, the sources reported, McCord testified that he received "second-hand information" that Charles W. Colson, then special counsel to President Nixon, knew too that the Democrats' Watergate headquarters were to be placed under illegal electronic surveillance.

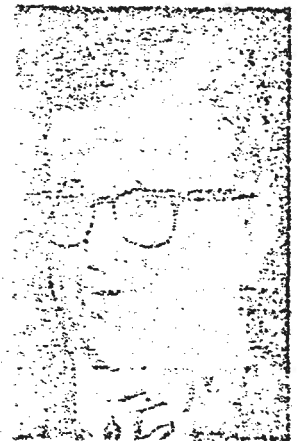
Colson has denied any advance knowledge of the bugging.

McCord's testimony was delivered in a 4½-hour, closed-door meeting of the Senate's select committee investigating the Watergate bugging and related acts of political espionage and sabotage. It came as Hunt was appearing before a grand jury at the same time. (Details on Page A22).

McCord is scheduled to appear again before the Senate committee next Wednesday, presumably when the committee will vote whether to grant him immunity from further prosecution.



JOHN N. MITCHELL
... named by McCord



CHARLES W. COLSON
... denies knowledge

One Senate source said that McCord's testimony about the alleged involvement of the high presidential aides was hearsay because his knowledge came from Liddy and Hunt.

Another of the sources said that McCord was very positive about the information he received from Liddy about Mitchell. "There was complete communication between McCord and Liddy about the subject," the source said.

That source, however, cautioned that McCord's information was not sufficient to prove illegal involvement of others in the celebrated conspiracy.

The sources said that McCord, the former security coordinator of the Committee for the Re-election of the President, provided leads in his testimony that could provide additional information about alleged involvement of those presidential aides.

See WATERGATE, A18, Col. 1

WATERGATE, From A1

In addition, the sources said that McCord had indicated that he could provide other substantiation of his charges.

The sources described the involvement of Mitchell, Dean and Magruder—described by McCord—as “active,” in the words of one, “meaning that they not only knew about it but were involved in aspects of it.”

DeVan L. Shumway, the press spokesman for the Committee for the Re-election of the President, also denied last night, as he has in the past, that any of the officials named by McCord had any advance knowledge of the Watergate bugging.

“Well, I think that again that these are allegations that

are being leaked out of a committee without anyone being there to face his accusers and that these allegations are false, patently false. I think we've made that clear in the past,” Shumway said.

Shumway said the allegations have all been publicly denied previously by Mitchell, Magruder, Dean and Colson and “I cannot believe these allegations to be anywhere near the truth.” Shumway said that the allegations were not surprising “considering the circumstances under which they were made.”

Asked by a reporter if by oath to the seven members of the Senate Watergate committee, and yesterday's session was arranged. Magruder again denied to The Washington Post last night that he had any advance information about the Watergate bugging. Asked about reports from some of his friends that Magruder might be made a “sacrificial lamb,” in the Watergate case, Magruder answered, “You mean by the White House? I have absolutely no reason to suspect that. I'm not worried.”

The four persons named by McCord were all high-ranking presidential advisers or assistants during the first four years of the Nixon administration. Mitchell was the principal

Mitchell previously has denied any advance knowledge of the Watergate bugging. He could not be reached for comment last night.

Commenting on the 4½-hour session with McCord, Sen. Howard H. Baker (R-Tenn.), the acting chairman of yesterday's meeting, said that McCord was cooperative and provided “significant information . . . covering a lot of territory.”

Hunt and McCord—both former CIA employees—have been implicated in apparently unprecedented spying and intelligence gathering operations conducted against radical political movements, the news media and the Democratic Party.

Included are disruptive activities aimed at Sen. Edmund

S. Muskie (D-Maine), the initial frontrunner for his party's presidential nomination; spying and a bugging attempt against Sen. George S. McGovern (D-S.D.), the eventual nominee; seeking out information on the personal life of Sen. Edward M. Kennedy; an alleged attempt to discredit ITT lobbyist Dita Beard's controversial memo linking the company's antitrust settlement with a contribution for the Republican convention; an investigation of syndicated columnist Jack Anderson; investigations of leaks to the news media that, according to Time Magazine, included tapping reporters' telephones; and infiltration of radical student groups and the Vietnam Veterans Against the War.

The latest round of Watergate developments began last Friday when McCord, Hunt and the five other Watergate conspirators were scheduled

to be sentenced by Chief U.S. District Judge John J. Sirica.

In open court, Sirica read a letter he had received from McCord who said he knew of “political pressure,” “perjury” and the involvement of others in the Watergate.

That afternoon and again on Saturday afternoon, McCord met voluntarily in secret sessions with Samuel Dash, the chief counsel of the Senate's Watergate investigating committee. Dash then announced on Sunday at an unusual press conference that McCord had “named names” of others who allegedly had advance knowledge of the bugging of the Democrats' Watergate headquarters, but Dash refused to disclose the names.

On Monday, The Los Angeles Times first reported, and other Senate sources later confirmed, that McCord had named presidential counsel Dean and former White House

aide Magruder as having advance knowledge of the bugging.

McCord then asked that he be allowed to testify under oath to the seven members of the Senate Watergate committee, and yesterday's session was arranged.

Magruder again denied to The Washington Post last night that he had any advance information about the Watergate bugging. Asked about reports from some of his friends that Magruder might be made a “sacrificial lamb,” in the Watergate case, Magruder answered, “You mean by the White House? I have absolutely no reason to suspect that. I'm not worried.”

The four persons named by McCord were all high-ranking presidential advisers or assistants during the first four years of the Nixon administration.

Mitchell was the principal architect of Mr. Nixon's successful 1968 campaign strategy and resigned as attorney general to serve as the President's campaign manager in the 1972 election. He then resigned as campaign manager two weeks after the Watergate bugging, citing his wife's demands that he leave politics as the reason.

Dean, the director of all White House legal matters, reports directly to President Nixon and H. R. Haldeman, the White House chief of staff. He is the only one of those named by McCord who still holds a White House or cabinet position.

It was Dean who recommended to Magruder that he be hired as general counsel of the Committee for the Re-election of the President, according to Magruder's testimony at the Watergate trial.

Magruder, a former key assistant to Haldeman, left the White House to become the interim manager of President Nixon's re-election campaign until Mitchell took over as campaign manager. Magruder then was Mitchell's principal deputy. After serving as director of Mr. Nixon's Inaugural Committee, Magruder was named to a sub-cabinet post in the Commerce Department by the President.

Colson, who recently left the White House to enter private law practice, was special counsel to the President, reporting directly to Mr. Nixon and to Haldeman. Colson recommended that another of the men subsequently convicted in the Watergate conspiracy, Hunt, be hired as a White House consultant. Hunt worked under Colson for at least part of his White House tenure.

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record and now if there is no objection by the Committee,
I will instruct the Staff to supply a copy of the transcript
to Mr. McCord and Mr. Fensterwald for correction purposes only,
to be returned to the Staff without further disclosure to any
person.

Is there objection?

Hearing none, it is so ordered.

Now, Mr. McCord, is there a second memorandum?

Mr. McCord. Yes, sir, there is.

Senator Baker. Would you proceed to read it?

Mr. McCord. Yes, sir.

I will state simply by way [sic] of introduction to the
memorandum, itself, that it was prepared in writing by me
for the purpose of essentially being as accurate as I knew
how in presenting the information that might be of assistance
to your Committee, knowing that perhaps under the stresses
of a question and answer, cross-examination session, I might
not be so accurate. I felt it would be to my best interest,
as well as to to [sic] yours, to try to set it down in writing and
to get it as precise and as specific as I could. I would hope
to be able to do so in the future on other information -that
you might want and, in turn, to submit them to you for ques-
tioning and cross-examination, as you feel appropriate of me.

The memorandum was dated March 26, 1973, with the
subject of: John Dean, the Third, which was one of the two

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individuals mentioned in the earlier memoranda, which has been entered into the record. I will state that by way of amplification on the wording in the memorandum itself, that all of this information which I will read to you at this point, came from conversations with the Defendant, Mr. Gordon Liddy, unless otherwise stated within the memoranda, and there is a one-page memoranda [sic] with some possible leads for exploration by the Committee if it cares to do so, or feels it appropriate.

The material then that I will read comes from conversations with Gordon Liddy himself. I will state further by way of explanation that Mr. Liddy and I worked as full-time staff members at the Committee to Re-Elect the President, from approximately January 1, 1972, on through June of 1972. At the time that we both came into the staff full-time, I had been previously connected with it part-time. The offices then were on the second floor and the fourth floor of the committee facilities at 1701 Pennsylvania Avenue. We had just moved up to the fourth floor of the Main -- the Committee had the main staff offices under Jeb Magruder, then Acting Director of the Committee, in January 1972. My association with Mr. Liddy at this point in time, he came aboard approximately some time in December 1972, because there was a small staff --

Mr. Fensterwald. [one word unreadable]

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Mr. McCord. '71, correction, because the Staff at that point was fairly small. I think at the time we were on the second floor, prior to December, it was somewhere between 25 and perhaps 40 people, and in January that staff began to increase. And I am -giving [sic] an estimate on it. I would say probably something between 50 and 60 people. Because there was a fairly small number of people within the confines of the offices, I would see them daily. We would have a fair number of conversations each day, personally, and we were constantly running into each other in the offices. I say that simply by way of laying some type of foundation for my association with him at that point. My association at that point was strictly official. I had no social association with him at the time that this memorandum is written.

Now, to quote from the memorandum itself, the memorandum reads:

"Subject: John Dean, III."

The memorandum states:

"From Liddy" and by that I mean to infer or indicate that what I had to say below was, as I have stated to you, some conversation with him.

"From Liddy." I had better read the memorandum.

"John Dean, Jeb Magruder, Gordon Liddy and John Mitchell, in February 1972, met in Mr. Mitchell's Office at the Department of Justice and held the first formal dis-

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cussion of bugging and other related operations. This information --

Mr. Dash. I did not hear the last sentence, bugging the what?

Mr. McCord. "Bugging and other related operations. This information came to me from several discussions before and after the meeting and came from Gordon Liddy. John Mitchell was then Attorney General, and was Attorney General until March 1, 1972, as I understood it." And by that I mean, as I recall it.

"Mr. Liddy had planned for the meeting very carefully and had drafted out in longhand budget figures for various items of expense and had discussed them and certain details of the overall operation." By that I mean the "bugging operations and related operations, and by that I mean photography operations and possibly other matters.

Back to the memorandum:

"With Jeb Magrude, [sic] so Mr. Liddy told me. Magruder reportedly set up the meeting with Mitchell. Liddy was, at that time, in an office on the fourth floor at 1701 Pennsylvania Avenue, Northwest, near Magruder's Office. Subsequent to seeing the longhand draft, Liddy had a typed report on the subject on his desk during one of the discussions, these discussions, and my impression was that he was planning to send it or to take it by hand to someone in the White House. House.

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I do not know to whom he took it.

"The meeting was set up for one particular day, but was cancelled and re-set for a day or so later. It was an afternoon meeting, as I recall, and my impression was, from what Liddy told me that it lasted an hour or more. He said that the --" I will come back to this. "He said that the discussion had covered the pros and cons of various bugging type operations.

Senator Gurney. Covered the what?

Mr. McCord. "Covered the pros and cons of the various bugging type operations." I will explain this subsequently.

"No decisions were made at the meeting about proceeding with the operation but the impression Liddy had, seemed to be that the operation would be approved.

"A few days later Dean told Liddy that a way would have to be worked out to undertake the operation without directly involving the Attorney General so that he would have deniability about it at a future date. Dean told Liddy at this time that the funding for the operation would subsequently come to him through other than regular Committee for the Re-Election of the President (C.R.P.) funding mechanism, so there would be no record of it. This was not further explained to me.

"About 30 days after the February meeting, in the Attorney General's office, Liddy told me that the operation 'had been approved' and that the funding for it would come

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through shortly. My impression was that this word of the approval came from Den, [sic] although this was not specifically stated by Liddy. Dean was Liddy's legal counterpart at the White House. Liddy was, at this time, (February 1972) Legal Counsel for the Committee to Re-Elect the President."

Under the heading of leads:

"One of Liddy's secretaries, in February 1972, was Sylvia Panarites, I would believe that she may have typed some of the drafts referred to above and possibly other correspondence in connection with the meeting with the Attorney General, and possibly for Dean from Liddy in connection thereto."

Page 2 of the memorandum, Item 2:

"Liddy in preparing for the February meeting, had prepared some professionally done charts, roughly 4 feet by 4 feet. (This is only an estimate that may vary.) For which he said -- for which he paid, correction, approximately \$7 to have done. My impression was that they were commercially done and, therefore, a check with the Washington area firms for February may develop a record and documentation for the contents of these charts.

"Liddy said that Dean told me after the February meeting to destroy the charts but Liddy said that he had paid so much for them that he did not plan to do so. The charts were brought in late one afternoon and left in his office on the fourth floor wrapped in brown paper, plain brown wrapping paper.

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He asked me to lock his office overnight and I arranged to have it done or did so, personally. I do not recall.

"When the first meeting with the Attorney General was cancelled, Liddy asked that the charts be again stored under lock and key overnight, the following night or nights, which was done in his office. I never saw the charts but Sylvia Panarites may have. She asked for a spare key for his office on the grounds that she had to come in early and do some work, and my impressions were that she was curious about the charts. Liddy had previously authorized her to have a key when needed, and it is my recollection that they issued one for permanent use at that time. I would estimate that six or more charts were contained within the wrapping paper.

"Item 3. Liddy's secretary, after we moved to the second floor in about March 1972, was Sally Harmony. She typed memoranda for him from the Monitoring Logs and may be able to furnish further details about Dean's familiarity with the Watergate operation. She would have other details of interest.

"Item 4. My best recollection [sic] of the February meeting at the Attorney General's Office was that it was during the last half of the month, some time from the 15th on. Perhaps the Justice Department, or Attorney General's logs, or the Attorney General's Secretary's appointment book would reflect the date.

"Item 5. Jeb Magruder had an administrative assistant

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named Robert Reisner, who kept Magruder's appointment book.

Reisner may have entered the date of appointment in Magruder's appointment book as well as in similar records of his own.

Whether Reisner is knowledgeable of the operation, I do not know."

And my initials follow that, JWMC, and then the words "for interview, simply as recap, Sylvia Panarites, Sally Harmony, the Secretary to John Mitchell and Robert Reisner.

Now, I realize that this is a completion of the memorandum. I realize that this is fairly concise and that there are a number of questions.

I think I should state at this point, that my job at that time was that of Chief of Security of the Committee for the Re-Election of the President. I had custody of the keys that are referred to in this memoranda. [sic] From the nature of the material that you have read, it is obvious that Liddy and I had had considerable discussions about this matter and I will be glad to answer your questions to the best I can from this point.

Senator Baker. Thank you, Mr. McCord.

Now, before we proceed further, I would like to suggest to the Members of the Committee that while each of us, I am sure, have questions, that we want to ask on our own, it seems to me the most logical and manageable handling of the interview [unreadable] proceed is to ask Mr. Dash and Mr. Thompson, who have had

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you have mentioned?

Mr. Dash. I will make that a little tighter, [sic] Mr. McCord, involved at the same level of operation as a Mr. Magruder or Mr.[sic] Mitchell or Mr. Dean?

Mr. McCord. You are speaking of the senior level, essentially?

Mr. Dash. Yes.

Mr. McCord. Well, I cannot speak with conclusion. I will state only impressions, if you want it, and that may be very inaccurate for you, so I leave it up to you.

Mr. Dash. If you have impressions upon which you have a basis, upon which you state those impressions.

Mr. McCord. I will state for you then what I know on the subject.

There were numerous conversations between approximately March 1972, and the date of our arrest, either by myself with Mr. Liddy or the three of us, Mr. Hunt, Mr. Liddy and myself, sometimes in Mr. Hunt's offices across the street in the Robert F. Bennett Associates Offices. On a couple of occasions, one specifically some time in May 1972, as best I recall, Mr. Hunt had a -- had drawn up a written step-by-step description of how the Watergate operation, the bugging operation and the photography operation might proceed at the Democratic National Committee Headquarters; And in connection thereto, he left me with the impression that this copy was going to be

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19.2 JAMES McCORD TESTIMONY, MARCH 28, 1973, SSC EXECUTIVE SESSION,
10-17, 31-32

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Charles Colson for whom Mr. Hunt had said previously, in previous discussions, that he had done work.

Mr. Dash. Now, has this left you with the impression, then?

Mr. McCord. I am trying to level in on it, if I may.

Mr. Dash. All right, I am sorry.

Mr. McCord. His previous discussions in this regard had been generally along this line, that he had, that he worked for Mr. Colson at the White House; that their association and working relationship in some way continued beyond March 1972. And, in discussing plans for the Watergate, he entered -- in which Mr. Liddy and Mr. Hunt and I were sitting down and talking jointly without being specific, he would interject the name of Mr. Colson, but in the sense of indicating or inferring that he was going to discuss some part of the plan with Mr. Colson, yes, with Mr. Colson. I cannot give you the exact wording except to state that he said something to the effect that, well, I will be seeing Mr. Colson and it was unclear to me what relationship Mr. Colson had with the Watergate operation, if any. I did not pursue the questioning at that point to find out because I -- but, I was unclear as to exactly what Mr. Hunt's relationship was with him and since we were both not working within the Committee itself at that particular time, I had no reason to pursue it. I assume that if he interjected the name, that the man had some official, or some

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20. On August 15, 1973 the President stated that when he learned on March 30, 1973 that Dean had been unable to complete his report he instructed Ehrlichman to conduct an independent inquiry and to bring all the facts to him. On March 30 the President met with John Ehrlichman and Ronald Ziegler from 12:02 to 12:18 p.m. According to the White House edited transcript of this meeting, the only subject discussed was a draft statement to be issued by Ziegler at a press briefing. Ehrlichman has testified that at the noon meeting the President directed him to conduct an inquiry into the Watergate matter. Ehrlichman has testified that the President said he was satisfied John Dean was in this Watergate activity so deeply that he simply could not any longer have anything to do with it; that the President needed to know about executive privilege and the attorney-client privilege; that the President needed someone to set strategy with regard to testifying at the Committee and the grand jury and other places; and that the President needed the truth about the Watergate matter.

	Page
20.1 President Nixon statement, August 15, 1973, 9 Presidential Documents 991, 993.....	447
20.2 Meetings and conversations between the President and John Ehrlichman, March 30, 1973 (received from White House).....	449
20.3 John Ehrlichman log, March 30, 1973 (received from SSC).....	451
20.4 White House edited transcript of meeting among the President, John Ehrlichman and Ronald Ziegler, March 30, 1973, 12:02 to 12:18 p.m.....	452

20.5	John Ehrlichman testimony, 7 SSC 2747-50.....	464
20.6	John Ehrlichman deposition, <u>Democratic National Committee v. McCord</u> , May 22, 1973, 64, 155-56.....	468

The time has come to turn Watergate over to the courts, where the questions of guilt or innocence belong. The time has come for the rest of us to get on with the urgent business of our Nation.

Last November, the American people were given the clearest choice of this century. Your votes were a mandate, which I accepted, to complete the initiatives we began in my first term and to fulfill the promises I made for my second term.

This Administration was elected to control inflation—to reduce the power and size of Government—to cut the cost of Government so that you can cut the cost of living—to preserve and defend those fundamental values that have made America great—to keep the Nation's military strength second to none—to achieve peace with honor in Southeast Asia, and to bring home our prisoners of war—to build a new prosperity, without inflation and without war—to create a structure of peace in the world that would endure long after we are gone.

These are great goals, they are worthy of a great people, and I would not be true to your trust if I let myself be turned aside from achieving those goals.

If you share my belief in these goals—if you want the mandate you gave this Administration to be carried out—then I ask for your help to ensure that those who would exploit Watergate in order to keep us from doing what we were elected to do will not succeed.

I ask tonight for your understanding, so that as a Nation we can learn the lessons of Watergate and gain from that experience.

I ask for your help in reaffirming our dedication to the principles of decency, honor, and respect for the institutions that have sustained our progress through these past two centuries.

And I ask for your support in getting on once again with meeting your problems, improving your life, building your future.

With your help, with God's help, we will achieve those great goals for America.

Thank you and good evening.

NOTE: The President spoke at 9 p.m. in his Oval Office at the White House. His address was broadcast live on radio and television.

The Watergate Investigation

Statement by the President. August 15, 1973

On May 17 the Senate Select Committee began its hearings on Watergate. Five days later, on May 22, I issued a detailed statement discussing my relationship to the matter. I stated categorically that I had no prior knowledge of the Watergate operation and that I neither knew of nor took part in any subsequent efforts to cover it up. I also stated that I would not invoke executive privilege as to testimony by present and former members of my White House Staff with respect to possible criminal acts then under investigation.

Thirty-five witnesses have testified so far. The record is more than 7,500 pages and some 2 million words long. The allegations are many, the facts are complicated, and

the evidence is not only extensive but very much in conflict. It would be neither fair nor appropriate for me to assess the evidence or comment on specific witnesses or their credibility. That is the function of the Senate Committee and the courts. What I intend to do here is to cover the principal issues relating to my own conduct which have been raised since my statement of May 22, and thereby to place the testimony on those issues in perspective.

I said on May 22 that I had no prior knowledge of the Watergate operation. In all the testimony, there is not the slightest evidence to the contrary. Not a single witness has testified that I had any knowledge of the planning for the Watergate break-in.

It is also true, as I said on May 22, that I took no part in, and was not aware of, any subsequent efforts to

write a complete report on all that he knew of the entire Watergate matter. On March 28, I had Mr. Ehrlichman call the Attorney General to find out if he had additional information about Watergate generally or White House involvement. The Attorney General was told that I wanted to hear directly from him, and not through any staff people, if he had any information on White House involvement or if information of that kind should come to him. The Attorney General indicated to Mr. Ehrlichman that he had no such information. When I learned on March 30 that Mr. Dean had been unable to complete his report, I instructed Mr. Ehrlichman to conduct an independent inquiry and bring all the facts to me. On April 14, Mr. Ehrlichman gave me his findings, and I directed that he report them to the Attorney General immediately. On April 15, Attorney General Kleindienst and Assistant Attorney General Petersen told me of new information that had been received by the prosecutors.

By that time the fragmentary information I had been given on March 21 had been supplemented in important ways, particularly by Mr. Ehrlichman's report to me on April 14, by the information Mr. Kleindienst and Mr. Petersen gave me on April 15, and by independent inquiries I had been making on my own. At that point, I realized that I would not be able personally to find out all of the facts and make them public, and I concluded that the matter was best handled by the Justice Department and the grand jury. On April 17, I announced that new inquiries were underway, as a result of what I had learned on March 21 and in my own investigation since that time. I instructed all Government employees to cooperate with the judicial process as it moved ahead on this matter and expressed my personal view that no immunity should be given to any individual who had held a position of major importance in this Administration.

My consistent position from the beginning has been to get out the facts about Watergate, not to cover them up.

On May 22 I said that at no time did I authorize any offer of executive clemency for the Watergate defendants, nor did I know of any such offer. I reaffirm that statement. Indeed, I made my view clear to Mr. Ehrlichman in July 1972, that under no circumstances could executive clemency be considered for those who participated in the Watergate break-in. I maintained that position throughout.

On May 22 I said that "it was not until the time of my own investigation that I learned of the break-in at the office of Mr. Ellsberg's psychiatrist, and I specifically authorized the furnishing of this information to Judge Byrne." After a very careful review, I have determined that this statement of mine is not precisely accurate. It was on March 17 that I first learned of the break-in at the office of Dr. Fielding, and that was 4 days before the beginning of my own investigation on March 21. I was

told then that nothing by way of evidence had been obtained in the break-in. On April 18 I learned that the Justice Department had interrogated or was going to interrogate Mr. Hunt about this break-in. I was gravely concerned that other activities of the Special Investigations Unit might be disclosed, because I knew this could seriously injure the national security. Consequently, I directed Mr. Petersen to stick to the Watergate investigation and stay out of national security matters. On April 25 Attorney General Kleindienst came to me and urged that the fact of the break-in should be disclosed to the court, despite the fact that, since no evidence had been obtained, the law did not clearly require it. I concurred and authorized him to report the break-in to Judge Byrne.

In view of the incident of Dr. Fielding's office, let me emphasize two things.

First, it was and is important that many of the matters worked on by the Special Investigations Unit not be publicly disclosed because disclosure would unquestionably damage the national security. This is why I have exercised executive privilege on some of these matters in connection with the testimony of Mr. Ehrlichman and others. The Senate Committee has learned through its investigation the general facts of some of these security matters and has to date wisely declined to make them public or to contest in these respects my claim of executive privilege.

Second, I at no time authorized the use of illegal means by the Special Investigations Unit, and I was not aware of the break-in of Dr. Fielding's office until March 17, 1973.

Many persons will ask why, when the facts are as I have stated them, I do not make public the tape recordings of my meetings and conversations with members of the White House Staff during this period.

I am aware that such terms as "separation of powers" and "executive privilege" are lawyers' terms, and that those doctrines have been called "abstruse" and "esoteric." Let me state the commonsense of the matter. Every day a President of the United States is required to make difficult decisions on grave issues. It is absolutely essential, if the President is to be able to do his job as the country expects, that he be able to talk openly and candidly with his advisers about issues and individuals and that they be able to talk in the same fashion with him. Indeed, on occasion, they must be able to "blow off steam" about important public figures. This kind of frank discussion is only possible when those who take part in it can feel assured that what they say is in the strictest confidence.

The Presidency is not the only office that requires confidentiality if it is to function effectively. A Member of Congress must be able to talk in confidence with his assistants. Judges must be able to confer in confidence with their law clerks and with each other. Throughout our entire history the need for this kind of confidentiality

20.2 MEETINGS AND CONVERSATIONS BETWEEN THE PRESIDENT AND JOHN EHRLICHMAN,
MARCH 30, 1973

John D. Ehrlichman

- 43 -

WHI

March 23, 1973

AM	11:34	11:41	President received long distance call from Mr. Ehrlichman
	11:46	12:05PM	President received long distance call from Mr. Ehrlichman

March 27, 1973

	11:07	11:08	President placed local call to Mr. Ehrlichman
AM	11:10	1:30PM	President met with Mr. Ehrlichman (Mr. Ziegler 11:30-11:40) (Mr. Haldeman 11:35-1:30) (Mr. Bull 11:45-11:46)
PM	6:03	6:05	President placed local call to Ehrlichman

March 28, 1973

PM	7:55	7:56	President placed local call to Ehrlichman
----	------	------	-------------------------------------------

March 29, 1973

PM	5:35	6:24	President met with Mr. Ehrlichman
PM	2:45	4:20	President met with Mr. Ehrlichman (Mr. Haldeman 2:46-4:45) (Mr. Ziegler 3:01-3:30) (Marjorie P. Acker 4:05-4:06)
	6:25	6:26	President placed local call to Ehrlichman

101536

March 30, 1973

AM	9:07	10:18	President met with Messrs. Ehrlichman, Helmut Sonnenfeldt, George P. Shultz to discuss domestic issues & Sec. Shultz's trip to Western Europe & U.S.S.R.
[PM	12:02	12:18	President met with Messrs. Ehrlichman and Ziegler

101536

20.2 MEETINGS AND CONVERSATIONS BETWEEN THE PRESIDENT AND JOHN EHRLICHMAN,
MARCH 30, 1973

John D. Ehrlichman

-44-

March 30, 1973 (Cont'd)

PM 3:03 3:10 President and Ehrlichman went to Andrews
by helicopter

3:18 5:17 President and Ehrlichman went fm Andrews to
El Toro, California, - Spirit of '76

4:20 5:17(PST) President met with Ehrlichman in flight

5:33 5:47 Manifest - El Toro to San Clemente

March 31, 1973

AM 9:45 9:49 President met with Mr. Ehrlichman
(San Clemente)

10:30 12:26PM President met with Mr. Ehrlichman
(Mr. Haldeman 10:35-12:30)

PM 12:40 12:55 President met with Mr. Ehrlichman

7:30 10:30 President and Ehrlichman went to John
Ford Dinner, Beverly Hilton Hotel,
Los Angeles, California

101536

April 1, 1973

AM 9:24 9:32 President placed local call to Mr. Ehrlichman

PM 3:05 3:16 President placed local call to Mr. Ehrlichman

3:19 3:21 President placed local call to Mr. Ehrlichman

4:36 4:48 President placed local call to Mr. Ehrlichman

April 2, 1973

PM 2:18 4:53 President met with Mr. Ehrlichman
(Mr. Haldeman 2:15-4:53)

6:55 President placed local call to Mr. Ehrlichman

7:48 7:50 President placed local call to Mr. Ehrlichman

DR

FRIDAY, MARCH 30, 1973

✓ 8:15 HRH Office
9:00 President, Shultz, Sonnenfeldt
C 12:15 Ghoroto (photo for Nation's Business cover story)
12:30 ~~President~~ Fred Fielding
12:45 Bill Timmons
1:15 Len Garment
3:00 Depart South Lawn
3:20 Depart Andrews 4:30 - President (Air Force One)
5:20 Arrive El Toro
Helicopter to Palomar
Stay LaCosta

✓ SATURDAY, MARCH 31, 1973

8:30 AG Kleindienst, HRH
10:30-12:30 President
12:45 President
7:00 John Ford Dinner - Los Angeles

✓ MONDAY, APRIL 2, 1973

10:30 President Thieu arrival ceremony
11:30 Lunch with Mother Ehrlichman, Mr. and Mrs. James Dick,
Nancy Martinson
2:30-4:30 President, HRH

✓ TUESDAY, APRIL 3, 1973

12:00 Lunch - President, President Thieu
2:00 Thieu farewell
2:15-4:00 President

✓ WEDNESDAY, APRIL 4, 1973

8:30 Paul Presley
9:00 Cliff Miller
10:30-12:30 president
12:55 Vern Olsen
1:10 Lunch with Ziegler
3:00 President

Appendix 11. Meeting: The President, Ehrlichman and Ziegler,
Oval Office, March 30, 1973. (12:02 - 12:18 p.m.)

Someone left the room after having a picture taken

E We have, I think, a useful statement that has been cleared by Dean and Mitchell and is directed with the cover-up charge.

P Do you want me to read it?

Z I think you probably better.

P I can read it (unintelligible) discuss and so forth. Or do you want to read it?

Z No, well it's not a statement, Mr. President, it's some talking points for me.

P Yeah - O.K.

E The brackets at the top go to the end.

P Could we say -- could we add one thing here? Say this for the last. Every -- I've called for an investigation on the White House staff -- is that? And -- every -- every. This is a statement of the President?

Z No - no -- I would make it.

P Yeah - yeah -- the President called for -- fine. Every member of the White House staff who has been mentioned (unintelligible) mentioned as a -- has submitted a sworn affidavit to me denying any knowledge of.

E any prior knowledge.

P any knowledge of or participation in. Could we say this?

E No -- I wouldn't.

P Why? Not true? Too defensive?

E Well, number one -- it's defensive -- it's self-serving. Number two -- then that establishes the existence of a piece of paper that becomes a focal point for a subpoena and all that kind of thing.

P (unintelligible) something.

(long pause)

P Members of the White House staff would welcome an opportunity -- Are we going too far and urging the Grand Jury to do it?

E Well -- that's -- we were farther over and we've come back to welcome. I don't know. Maybe that's still too strong.

Z We should tell the President about the framework which will be giving this. There's a leak out of the Committee --

P Oh.

Z for the Re-Election of the President and the suggestion that you have waived the - the restriction on -- on Dean being

E The Dean thing. See, we cleared it with Mitchell, we cleared it with Magruder and with Dean's lawyer.

E And Dean thinks it was Magruder that leaked it.

P Members of the White House staff. Well, (pause)
I don't know whether you can say "would welcome
the opportunity". Why don't you say, members of
the White House staff will, will appear before the
Grand Jury in person at any time the Jury feels
it's relevant and furnish any information regarding
that individual's alleged knowledge. You see what
I mean? I don't think you say would welcome. Will
appear -- will appear before the Grand Jury if the
Jury feels it is relevant. Furnish any information
of an individual's alleged knowledge. (pause) Have
you got it in hand?

Z Well, except for that it is only for me, as a
talking piece.

P Yeah. Have you had it? If the Grand Jury feels
it's relevant, members of the White House staff,
by direction of the President, will -- will appear
before the Grand Jury. I think that's a little better
than the idea that members of the White House staff
would welcome. Don't you think so John?

Z By direction of the President

E Right.

P By direction of the President will appear before
the Grand Jury and furnish any information regarding
that individual's alleged. I like that a little

P better.

E OK.

(pause)

P I would say it is not the objective of the White House however to draw a curtain down over this matter, to cover up this matter, cover up this matter, and to withhold any information.

(long pause)

P Why don't we say that we admit there are, of course, other informal ways that could be used. We are ready -- we are ready to -- say -- we are ready to discuss those procedures with the Committee. No, and we are ready to cooperate with the Committee to work out the procedure -- to work out a proper procedure -- be proper to work out a proper procedure. How's that, John? Is that all right?

E That's all right. You want to say, we continue to be ready?

P No -- just say, we are ready -- let's -- that's a little.

E All right.

P We are ready -- we are ready to work out -- to work out -- that's right. Let them see that we are backing down a bit.

E All right.

P Ready to work.

Z And then who should we get to say this?

P We get.

Z Well, John?

E Well, now, you've given Kleindienst the franchise.

P Yep.

E You -- we've got to get word to him which we were going to do Saturday. That we were going to shift courses.

Z Let's say.

P We are ready -- we are ready -- we'll say the -- let's leave it with the Timmons' office.

E Well why say it?

P Yeah - just say it = well with members -- the appropriate members of the staff.

E Why not say this? This is going to be done without publicity.

P Yeah.

E And.

P No -- it's going to be done informally without publicity -- by whatever.

E Period.

P This will be done informally.

Z We can do it but we just have one problem to dwell on. If you give the name, like, if you say,

F Yeah.

T well Timmons' office would be.

F That's right. Then they go after him.

T Prepared to do that. Then -- no - then you do solidify your point, you see.

E Yeah, but the problem is that there's always -- there's already a lot of complaint on the Committee, and particularly with Baker, that there's too many people running this show.

P That's right.

E And if we introduce Timmons or we introduce somebody else.

P Yeah. don't give them a name. The - the, why don't you just say the President will name a -- no.

E You could go this far.

P Yeah.

E You could say we've been in touch with the Committee.

P Yeah. Yes.

Z Have you?

E And -- yeah -- I've talked to Baker.

P We have been -- we have been in communication with members of the -- no -- well, then you see -- you've only been in touch with one member.

Z When we're dealing with.

Well, why don't you say communications have been opened and will proceed.

Communications have been opened with members of the Committee. What members? That's -- I'm not going to discuss that. I can't go into that.

Communications have been opened with the Committee -- why don't you say with the Committee -- Committee -- communications are handled with the Committee to -- for the purpose of working out a proper, informal procedure.

And that has taken place?

Yeah -- I talked to Baker yesterday.

That's right. Well, we've had lots of talks with him. He talked to Baker at length, Ervin's gone.

Is that all right, John?

If I could say, John is - has.

You see, we got an Attorney General problem.

We got -- we got Kleindienst.

Let's not force this.

All right.

If you want to, you can say, well I may have something more to say about this later.

That's fine. Damn well. Just say, I'm not going to discuss it because these are informal

-8-

P negotiations at this point -- informal discussions are taking place at this point.

Z Right.

P As soon as something is formalized we will let you know.

Z Good.

P That's really true and say if something is worked out we will let you know. The, some informal discussions have already taken place. That's right -- some informal discussions. I'm not going to go into the.

Z All right -- I've got it.

P How's that?

(pause)

P Oh, it'll be a little long

(pause)

P Within the framework of our judicial system. You might say of our system. Don't you think so?

E Read the phrase.

P Yeah. It is our position today and in the past that if these charges are to be tested it should be done within the legitimate framework of our judicial system. Don't you think so?

E That takes it out of the Congress, then.

-9-

Z But the legislative.

P Yeah -- well then -- just say system. And you don't -- and then you're not using the last -- the bracketed thing at all?

E The bracket at the top goes at the end where he says,

Z Not going to apply it specifically. But he's referring to the bracket at the end.

E No - no-we're not going to use that.

P You're not going to use that?

E No-- it's got a lot of problems associated with it.

P Yeah -- because you're taking the Committee on.

E Yeah -- well we worked with a lot of different variations of that and just decided really it was better to leave it out.

Z Give the Committee -- And give the Committee back into the start there by saying.

P I question. (pause) I don't know. Well, anyway, it's all right. Do you think it helps some?

E I think it does. And I think. Ron's going to get some questions -- Ron's going to get up there -- well Ron, you're not going to apply this to specific instances. What are you trying to say to us? And he again could come back and say, what I am saying to you is that the mistake that people

-10-

E are making -- there's a mistaken impression that the White House is trying to cover up in this matter -- is just a mistake.

P Listen -- I'd almost start this thing -- I just want to lay to rest what I think is a -- what is a -- I'm not making any charges of how it happened. I want to lay to rest a massive misapprehension that has been created in the press, created in the country with regard to the White House position on the Watergate matter. The aftermath. That is, because of -- because of our -- and that is -- we are attempting, the position is to withhold information and to cover up -- this is totally true -- you could say this is totally untrue. I think I'd start right out that -- massive misapprehension and so forth and so on.

Z Cover up and withhold information.

P Cover up withhold information.

Z And then bang into it.

E Mm huh.

Z Part of the case is built on the fact that fellows love this room, and your press of course -- is no place to work this out.

P Yeah -- yeah. That's it exactly.

E And our refusal to -- our refusal to try this case in the newspapers.

P Yeah

E Has led to.

P Yeah - Yeah - now -- I'd say our -- now -- a part of that, I must say, due to the fact -- our refusal to try the case in the newspapers -- to try this matter in the newspapers -- and the position of maintaining the constitutional -- the President's necessity of maintaining the constitutional separation of powers. But as the President, I'd say, as the President made crystal clear in his press conference on August 2, the purpose of his insistence on the separation of powers is not to cover up. There will be total and complete cooperation with the agencies of government to get at the facts. And the facts can be obtained and still maintain the principle of separation of powers -- and all the facts can be obtained. Something like that.

E That's in there I think pretty good.

(dishes or walking around)

P You don't want to make a sworn statement, huh?

E I would just as soon not -- I think we are better off not, oh, doing up a stream. Look at the -

P The only position that I am concerned about is this. I wonder if you could take whatever Ron says

-12-

P and --

E We're going to hypo it -- we're going to get it around.

P Get it to the Congress.

E Right.

P Get it to George Bush.

E Right. I'm going to see the guys that are going to do that and I'll do it now.

P All right, fine. If you could work on that between now and three o'clock I think it would be very helpful.

E I shall.

P Fine -- you work on it and I'll take off.

2747

other words, he was not going to move against anybody until he had this down and could see what this fellow really had and then would go forward.

Senator GURNEY. Well now, around about this time or somewhat later, and there are so many meetings here that I have really forgotten which occurred when, so perhaps I am going to have to rely on you for that, but did the President lift the phone up at any time and say, "John I want you to come over to the office here and talk about Watergate, what you know about it."

Mr. EHRLICHMAN. No, sir, not until way late in the game. He lifted up the phone one day and called me down and said, "I am satisfied that John Dean is in this so deeply that he simply cannot any longer have anything to do with it."

Senator GURNEY. That is when he transferred the assignment to you?

Mr. EHRLICHMAN. Yes, sir.

Senator GURNEY. What date was that?

Mr. EHRLICHMAN. March 30.

Senator GURNEY. And tell us again precisely what transpired in that phone conversation beyond what you have already.

Mr. EHRLICHMAN. Well, that was a meeting in the President's office on March 30, and it was, as I recall, quite brief. We had had, we were getting ready to leave that same day, as a matter of fact, for California, and he called me down, I am looking for the time to help me, to recall the time of departure here. Yes, we leave at 3 o'clock in the afternoon, we had had a long meeting that morning with Secretary Shultz and Mr. Sonnenfeld about the economy, and that ran from 9 a.m. to about, I don't know, what, 10 a.m. or 11 a.m., something of that kind, a long session, as I recall. He called me down for just about 10 minutes at noontime, and said what I have just told you, and I said, "Well, what is it you expect me to do basically" and he said, "I want you to step into what Dean has been doing here. I need to know about executive privilege, I need to know about attorney-client privilege, I need to have somebody set this strategy with regard to testifying at the committee and the grand jury and these other places and I need to know where the truth lies in this thing." And the only tipoff that I had had to that was a request from him on the 27th, I believe it was, yes, on the 27th.

Senator GURNEY. Is that the meeting between 11 a.m. and 1 p.m. with the President?

Mr. EHRLICHMAN. I believe—yes, yes indeed. That was for the purpose of dictating to me a list of questions that he wanted put to the Attorney General, and I believe that telephone call to the Attorney General which actually was not completed until the next day because he was traveling, is in your file, phone call with Kleindienst on the 28th, and I then went down a handwritten list of questions that the President had put to me about the progress of the case, about the involvement of John Mitchell, possible, any possible evidence that Kleindienst might have, any possible evidence of anybody else being involved at the Committee To Re-Elect, any evidence of any White House staff being involved and the President told me to tell the Attorney General that if he had any such evidence or if he developed any

such evidence, that he was then to transmit it directly to the President, not through me, not through anybody else at the White House but direct to the President, and in that message I did, as you see in the transcript, that I did transmit to the Attorney General.

Senator GURNEY. Do we have those questions that he—

Mr. EHRLICHMAN. No, sir, you do not. They are a part of my notes of the meeting of the 27th which are in the President's file.

Senator GURNEY. How many questions were there?

Mr. EHRLICHMAN. Well, there are about 10 or 12 topics, I think, written out on a piece of paper.

Senator GURNEY. Would you give us to the best of your recollection what the topics were and what the questions were?

Mr. EHRLICHMAN. I think I can do that best, Senator, by looking at that telephone conversation and—because I think that that transcript is quite faithful to the list. I just went down the list in talking with the Attorney General. I don't seem to have that in my—

Senator GURNEY. The telephone.

Mr. EHRLICHMAN. The telephone call with Mr. Kleindienst on the 28th.

Senator GURNEY. I wonder if the committee would hand this to the witness, Mr. Ehrlichman. That apparently is it. If we have another copy I wish I could have it, too, but I think it is better you have it at the moment.

Mr. EHRLICHMAN. We have a copy here; I may have stuck it back in the file.

Thank you very much.

Senator GURNEY. I have a copy here now.

Senator ERVIN. Let the reporter assign that the appropriate exhibit number.

[The document referred to was marked exhibit No. 99.*]

Mr. EHRLICHMAN. Actually the first sentence, as I recall, is only partly on this transcript and it said, "There are a number of things the President wanted me to cover with you," and only the latter half of that sentence is in the transcript.

Senator GURNEY. If we could, Mr. Ehrlichman, this is very important, but if you could summarize these as briefly as you can it will help out the committee because I think my own time is running out here.

Mr. EHRLICHMAN. You will see in the fourth paragraph I said, "No. 1, he wanted me to ask you these two things that I did yesterday about the grand jury and about Baker," meaning Senator Baker, and then we go into an inquiry about some statements that Senator Weicker had made to the press which the President had asked Pat Gray to check into. Then, and the President wanted a report on whether Senator Weicker had any evidence or not to support these assertions.

Senator GURNEY. I think perhaps you had better explain a little more about Senator Baker who is not here so we can know that there is no—

Mr. EHRLICHMAN. Well, the President had designated John Dean as the White House contact on Watergate, or the White House leadman on Watergate, as I say in February. He had also designated the Attorney General as the administration contact to the committee, and had

*See p. 2944.

2749

asked the Attorney General to be in touch with Senator Baker with regard to committee rules and technical matters of that kind.

Senator GURNEY. This was just a liaison matter?

Mr. EHRLICHMAN. Yes, sir.

Senator GURNEY. So he can find out what was going on, what the committee planned to do, that sort of thing?

Mr. EHRLICHMAN. That is correct. So he was asking for a report from the Attorney General on that.

By the way, it comes back to me that in the meeting that Dean and Mitchell and Haldeman and I had in the President's office on the 22d that the President had picked up the phone and called the Attorney General and had given him some questions to ask Senator Baker about committee timing and that kind of thing so that he would be advised of the facts, and he had not yet had the report back from the Attorney General on that.

Then this first page is about Senator Weicker's statements, which was one of the items on the list.

Then at the bottom of page 2 I said, "The President said for me to say this to you that the best information he has had and has, is that neither Dean nor Haldeman nor Colson nor I nor anybody in the committee has had any prior knowledge of this burglary. He said that he is counting on you to provide him with any information to the contrary if it ever turns up. And you just contact him direct. Now as far as the Committee To Re-Elect is concerned he said that serious questions somebody raised with regard to Mitchell and he would likewise want you to communicate with him any evidence or inferences from evidence on that subject."

Senator GURNEY. I think we had better stop there.

The chairman points out to me that we have a vote on the Senate floor.

Senator ERVIN. We will stand in recess.

* [Recess.]

Senator ERVIN. Senator Gurney will resume the questioning of the witness.

Senator GURNEY. I think we were there at the bottom of page 2, Mr. Ehrlichman.

Mr. EHRLICHMAN. Yes, sir; I saw during recess that I had skipped over the Attorney General's remarks in the middle of page 2 where in response to my general inquiry, a previous inquiry also, he said he has been emphasizing publicly that "The President wanted the matter investigated, to let the chips fall where they may, but second, if anybody has any information we not only want it, we expect to get it, so we can investigate it and if these indict other people and that anybody who withheld information would be obstructing justice." The Attorney General was saying this to the press and he was getting this out in every way that he knew how.

Now, then at the top of page 3 the significance of the McCord letter which was drafted by Mr. McCord and handed to Judge Sirica and which Judge Sirica read publicly was discussed and evaluated by the Attorney General.

Then, we return to the question about whether or not Mr. Mitchell was involved, and that led to a statement by the Attorney General that

2750

if Mr. Mitchell were to be involved, and he says here that he has no evidence at this time that he is, but if he were, that we should give some thought in such an event to having a special prosecutor, the Attorney General would feel he would have to recuse himself. Then I asked him what the President's position would be in the event of such a thing and at the bottom of page 3 and middle of page 4 he advises such a procedure. Then we discussed, and again this is an item on my list, the matter of immunity; who determines whether immunity will be granted mechanically, and he said the Department of Justice determined that insofar as the grand jury was concerned but so far as the Senate committee is concerned that it made that determination in conjunction, I don't think he said in conjunction with the court, but that these were two separate procedures.

Then another item on my list was the status of the court action which I have referred to previously in testimony here, in answer to a question by Senator Weicker, and then finally I was asked to tell him that there was a possibility that the President wanted to see him in San Clemente the following Saturday. The Attorney General at that time was in Arizona, was planning to be in Los Angeles, and in point of fact that meeting did take place in San Clemente subsequent to this phone call.

Senator GURNEY. Did the President tell you at the time he gave these questions to you why he was asking you to inquire of the Attorney General rather than Mr. Dean, did that come up?

Mr. EHRLICHMAN. No, sir, it did not come up and I did not ask.

Senator GURNEY. But in retrospect you think he was perhaps having doubts whether he was getting a full story or not?

Mr. EHRLICHMAN. Yes, up until then Mr. Dean had been the contact with the Attorney General in matters of this kind.

Senator GURNEY. Then on what date did the President give this full assignment to you to run Watergate down for him?

Mr. EHRLICHMAN. Two days later.

Senator GURNEY. I think I had better stop there, Mr. Chairman, because I have taken enough time.

Senator ERVIN. Well, Senator, I would not want to cut you off. This is a very serious investigation we are making and you could proceed until noon if you have further questions and then we can recess for the lunch hour.

Senator GURNEY. Thank you, Mr. Chairman.

Let me then complete, if we can, the assignment you had from the President to now, be the sort of chief Watergate investigator in the White House.

Would you tell the committee about that, what you found and what you reported to the President?

Mr. EHRLICHMAN. I have tried to disclaim the designation "investigator," Senator, because I don't consider what I did to be an investigation, to a conclusive result.

Senator GURNEY. You certainly can define your role. I didn't mean to imply something you were not doing.

Mr. EHRLICHMAN. I had to get up to speed on this. I was not following the law on the matter and so the first thing that I did in another conversation with the Attorney General was to arrange to have someone in the Department of Justice prepare for me a thorough brief of

have reasoned back, but those came subsequent to March, of course.

Q Mr. Ehrlichman, when did you get the assignment from the President to conduct an investigation into the "Watergate Affair"?

A The 30th of March of this year.

Q In your conversations with various persons did you make notes?

A In some cases I did and in some cases I either couldn't or didn't.

Q Were all of these conversations on a one-to-one basis?

A No, Mr. Magruder's conversation was held with his two attorneys present.

The conversations I had with Mr. Dean, as I recall, were not always alone. I think in at least one case Mr. Haldeman was present. Some of the conversations were on the telephone and one or two people would be in the room perhaps at the time I was making a phone call because it came in at a particular time when they were there.

And many of them were one on one.

Q In the telephone conversations where persons were in your office, were they on a loud speaker type telephone or -

A I believe he did. At least, he talked to him. It was within 24 hours after that that the President relieved him.

Q That would have been the end of March?

A Yes. The President called me in on the 30th and said, "My suspicions are crystalized and I want you to get into this."

Q And make your investigation?

A And make the investigation.

Q Did the President indicate to you what his suspicions were?

A Well, he said that it was evident to him at that point that Dean was in the thing up to his eyebrows. The President, incidentally, had had a number of conversations with Dean starting, I think, the last week in February and running through the time that he sent him to Camp David.

Q Were these personal or telephone conversations?

A They were personal conversations.

Q Was anyone else present?

A I don't know.

Q Were you ever present?

A No, I never was. But it was evident from what the President said to me on the 30th that through those conversations he had a growing awareness of Dean's personal involvement

in this and that his sending him to Camp David apparently was a device to smoke him out and see what he would set down on paper, and that when he came back and said that he couldn't write anything down, that did it.

Q Did you ever ask Dean why he didn't write something down at this time? (I am not going to your investigation.)

A No.

Q Do you know whether Mr. Haldeman ever asked him?

A I imagine he did but I don't know.

Q Do you know whether the President asked him specifically why he did not write something down?

A I don't know. The answer is I don't know.

Q Other than yourself and Mr. Haldeman and the President, of course, is there anyone else at the White House who would have talked to Dean after his return from Camp David relative to the Watergate matter, of course?

A I don't know. Mr. Fielding, perhaps. I don't know.

Q At that time Mr. Dean was still Mr. Fielding's superior, however, was he not?

A Yes.

Q Then the President then gave you the assignment of getting out the facts on Watergate. After that did you have further conversations with Mr. Dean?

21. On March 30, 1973 at 12:30 p.m. Ehrlichman met with Fielding, Dean's assistant. Ehrlichman has testified that he had directed Fielding to deliver Dean's personnel records to Ehrlichman and to brief Ehrlichman about allegations that Dean had been dismissed by a law firm because of unethical conduct. At 3:00 p.m. on March 30, 1973 Ehrlichman and the President flew to San Clemente, where Haldeman joined them on April 1, 1973. They remained in San Clemente until April 8, 1973. While they were at San Clemente, Ehrlichman had a long distance telephone conversation with Dean in which they discussed the allegations that Dean had been involved in unethical conduct.

	Page
21.1 John Ehrlichman log , March 30 and April 8, 1973 (received from SSC).....	472
21.2 John Ehrlichman testimony, 7 SSC 2753.....	474
21.3 H. R. Haldeman testimony, 7 SSC 2903.....	475

DR

FRIDAY, MARCH 30, 1973

✓ 8:15 HRH office
9:00 President, Shultz, Sonnenfeldt
12:15 Gormoto (photo for Nation's Business cover story)
C 12:30 President
12:30 Fred Fielding
12:45 Bill Timmons
1:15 Len Garment
✓ 3:00 Depart South Lawn
3:20 Depart Andrews 4:30 - President (Air Force One)
5:20 Arrive El Toro
Helicopter to Palomar
L Stay LaCosta

✓ SATURDAY, MARCH 31, 1973

8:30 AG Kleindienst, HRH
10:30-12:30 President
12:45 President
7:00 John Ford Dinner - Los Angeles

✓ MONDAY, APRIL 2, 1973

10:30 President Thieu arrival ceremony
11:30 Lunch with Mother Ehrlichman, Mr. and Mrs. James Dick,
Nancy Martinson
2:30-4:30 President, HRH

✓ TUESDAY, APRIL 3, 1973

12:00 Lunch - President, President Thieu
2:00 Thieu farewell
2:15-4:00 President

✓ WEDNESDAY, APRIL 4, 1973

8:30 Paul Presley
9:00 Cliff Miller
10:30-12:30 president
12:55 Vern Olsen
1:10 Lunch with Ziegler
3:00 President

21.1 JOHN EHRLICHMAN LOG, MARCH 30, APRIL 8, 1973

✓ THURSDAY, APRIL 5, 1973

8-10:30 Paul O'Brien
11:00 ~~11:30~~ ~~HRH~~ President
3:00 President
4:00 Judge Matthew Byrne

✓ FRIDAY, APRIL 6, 1973

10:30 Bebe Rebozo
11:00 President
11:30 Herb Kalmbach (parking lot of Bank of America,
San Clemente)
1:00 Ted Ashley (Warner Brothers)
1:15-1:45 President
1:45 ~~3:00~~ Resume lunch with Ashley
7:00 Baseball game with the President - Anaheim

✓ SUNDAY, APRIL 8, 1973

8:30 Helicopter from Palomar
9:00 Depart El Toro
4:30 Arrive Andrews 2:00 - President (Air Force One)
5-7 HRH, John Dean

✓ MONDAY, APRIL 9, 1973

10:30 Secretary Shultz' office - Stein, Ash, Flanigan
12:30 Lunch with AG - at Justice
2-2:45 President
6:30 Blair House - Senators Ervin, Baker

✓ TUESDAY, APRIL 10, 1973

8:30 Bipartisan Leadership
10:15 Len Garment, Ziegler
11:15 Ziegler, HRH
12:45-2 President
2:20 Mr. Luce (Con Ed), Marshall McDonald (Florida Power
and Light)
3:00 HRH
3:15 Joined by Dean
5:00 Len Garment

and that he just did not think it was a good idea for the President's lawyer to be going out and testifying; in other words, it was an attorney-client privilege kind of position that he was contending for. It did not satisfy me.

Senator GURNEY. Mitchell now talking about Dean should not testify?

Mr. EHRLICHMAN. That is correct. This thing continued to be a nagging question, and so we called John Dean, as we were headed back, I talked to Haldeman further about this. Dean was not talking to me, all through this period of time, I had not had phone call one from him, which was very unusual because I used to hear from him from time to time on various subjects, including Watergate, but I was completely not on his telephone list and Bob Haldeman was hearing from him all the time. So we talked about what Bob Haldeman—

Senator GURNEY. Did he know that you were performing the role for the President?

Mr. EHRLICHMAN. I believe so.

Senator GURNEY. All right.

Mr. EHRLICHMAN. I believe so. I did not tell him but I believe he well knew it.

As a matter of fact, just before we departed for California this question arose of Mr. Dean being fired by his law firm for unethical conduct and I sent for his personnel package in order to check it. The personnel package arrived in Fred Fielding's arms with scotch tape around it a number of times, and he said, "What do you want this for?" And I said, "Well, there is a story"—and that refreshed my recollection, I did have one phone call from John Dean and that was on that subject. He did call me at San Clemente about that and he said, "I understand you wanted to get my personnel package," and I said "Yes, there is this story about your having been accused of this unethical conduct," and he then told me the long story which he recounted to this committee, that he eventually was able to get the attorney who made the charges to retract the charges, which satisfied me, but I think through Fielding and through my conversation with Fielding on that occasion, Mr. Dean must have known that I was actively in this.

Senator GURNEY. I see.

Mr. EHRLICHMAN. In any event, on the way back we called and asked John Dean to meet us in my office when we returned to Washington that night, and he did so.

Senator GURNEY. What date?

Mr. EHRLICHMAN. Well, April 8, 9.

Senator GURNEY. April 8 between 5 and 7 p.m.?

Mr. EHRLICHMAN. Right; that was a Saturday or Sunday—that was a Sunday night, and we had a 2-hour meeting, Bob Haldeman, John Dean, and I, to try and understand what this hangup was between Mitchell and Dean. We still did not have a feel for it. Then, for the first time, Mr. Dean talked to us about the four meetings or the three meetings back in January and February and explained some of the nuances of the coverup story with regard to Mr. Magruder and the meeting which he, Dean, Magruder, and Mitchell had had in Mr. Mitchell's law office at a time when they were gathered with the attorneys in the case to discuss grand jury testimony where the three

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[From April 1 to 7, I was in San Clemente with the President. Despite Mr. Dean's statement that during that period he, under advice of counsel, endeavored to avoid any contact with Haldeman, Ehrlichman, or Mitchell—we talked on the phone daily. The main problem he seemed to have during that period was the continuing one with Mitchell regarding the discrepancy on the number of meetings.

It is my understanding that Dean hired a lawyer, Mr. Shaffer, about March 30. He had indicated earlier that he might do this so he—and, through him, the President—could consult an attorney familiar with criminal law on the implications of some of the concerns Dean was developing. He told me that his lawyer had told him he should not write anything down about the Watergate case and, if he had written anything down, he should not show it to anyone and he should not talk to Mitchell or Magruder. He did not mention to me that his lawyer had told him not to talk to me or Ehrlichman and he did, in fact, continue to talk—to me, at least.

He told me his lawyers had met privately with the U.S. attorneys on April 4. He told me again on April 7 that his lawyers had met with the U.S. attorneys on April 6. This despite the fact that in his testimony he has said that his lawyers were meeting with the prosecutors but this was unknown to Haldeman or Ehrlichman.

He further said that the U.S. attorneys had told his lawyers—and he believed that this was the straight information because this was an eyeball-to-eyeball meeting—that the U.S. attorneys were only interested in the pre-June 17 facts. They had no concern with post-June 17. They only wanted Dean as a witness. They did not consider him a target of their investigation. They did not consider Haldeman as a target and probably would not even call him as a witness. Liddy had told them everything but his lawyers didn't know it; and Liddy completely cleared the White House; that is, in telling them everything, Liddy had confirmed that nobody in the White House had had any involvement.

We returned to Washington on April 8. During that week Ehrlichman continued his investigation—and on Saturday the 14th reported his conclusions to the President in the form of a verbal statement of his theory of the case based on all of the information he had acquired—still, of necessity, mostly by hearsay.

There were several meetings with Dean that week and I recall a continuing concern on Dean's part regarding the discrepancy with Mitchell and the planning meetings. I don't recall any major changes in Dean's view of the facts from what he had reported on the phone earlier.

By the end of the week both Dean and Ehrlichman had come to the view that Mitchell had approved the Watergate plan and there was some discussion that, if that were the fact, and if Mitchell decided to step forward and say so, it would be a major step in clearing up the Watergate mystery. This was not discussed in any context of asking Mitchell to do this as a scapegoat or to divert attention from others—but as a major step in bringing out the truth.

Over the weekend, both Magruder and Dean met with the U.S. attorneys in private sessions and gave their full accounts of the Water-

22. On March 30, 1973 Ronald Ziegler stated in a press briefing that no one in the White House had any involvement in the Watergate matter. Ziegler also announced that the President reiterated his instructions that any member of the White House staff would appear before the grand jury if called to answer questions regarding that individual's alleged knowledge or possible involvement in the Watergate matter.

	Page
22.1 Transcript of White House press briefing, March 30, 1973, No. 1704, 708 (received from Watergate Grand Jury).....	478
22.2 Ronald Ziegler press briefing, March 30, 1973, White House edited transcripts, Appendix 12.....	479
22.3 Ronald Ziegler testimony, Watergate Grand Jury, February 12, 1974, 71-72 (received from Watergate Grand Jury).....	480

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18.2

I would like to remind all of you here and call to your attention that it has been our position in the past and it remains the White House position that the public media and the White House briefing room are not the place to try and conduct an analysis of these charges or to make judgments regarding individuals in response to what are unsubstantiated and uncorroborated charges.

I made that point to you yesterday and several days ago, and I state it to you today in anticipation of some of your questions in relation to reports that have run this morning.

As we said and I will repeat again today, this country has provided, in its wisdom, a number of forums for this kind of inquiry and it is in those duly constituted forums which we have always felt this matter should be pursued.

With that in mind, I would like to take this opportunity to focus attention on the fact that we have stated the position of the White House to be one of cooperation in the Watergate matter. We have stated that going back to June. But I would also like to lay to rest a misapprehension that has been created with regard to the White House position on the Watergate matter, the misapprehension which has resulted from the fact that we do maintain a position that the public media and the White House briefing room is not the place to conduct an analysis of these charges or to make a judgment regarding individuals in response to the unsubstantiated charges, but also the position which we have stated regarding the doctrine of separation of powers.

The purpose of this policy is the opposite of covering up information. It is the policy which has been set with the objective to get the true facts in an orderly way.

I think you know that subsequent to the Watergate incident -- and I am going to take a moment here to remind you of this -- allegations were made in the press regarding members of the White House staff. The President, as you recall, called for an investigation of members of the White House staff regarding the Watergate matter, and as we have said before, no one in the White House had any involvement or prior knowledge of that event, and I repeat that statement again today.

I would also like to make several further points this morning: Something that has been overlooked is that from the very outset of these developments, the President instructed all members of the White House staff, present and former, to cooperate fully with those investigating the Watergate matter. And, in fact, every member of the White House staff who has been asked to supply information regarding this matter has done so, to the Federal Bureau of Investigation, to the Grand Jury, and to the courts. This has taken place, of course, over the past months.

But I would like to bring into focus the present also. There are two processes now under way which are examining the Watergate matter. One is the Grand Jury. The other is the Senate committee, the Ervin Committee, which is proceeding with its initial work.

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Appendix 12. Press Briefing: Ziegler, March 30, 1973

(Excerpt from Ziegler's Press Briefing)

* * *

With regard to the Grand Jury, the President reiterates his instructions that any member of the White House staff who is called by the Grand Jury will appear before the Grand Jury to answer questions regarding that individual's alleged knowledge or possible involvement in the Watergate matter.

This is a re-statement of a policy which has been in effect. If the Grand Jury calls any member of the White House staff, that person, by direction of the President, will appear to testify regarding that individual's alleged knowledge of possible involvement in the Watergate matter.

* * *

1 A I don't remember when. I think it was when it
2 either broke in the news or there was testimony that related
3 to it. I don't remember specifically.

4 Q Now, you made a statement on the 30th of March that
5 no one in the White House had any involvement in Watergate?

6 A (Nodding.)

7 Q So you think that you learned about Mr. Strachan
8 following that?

9 A Yes, I'm sure I did. I think it was April. The
10 30th of March statement related to the fact that the President
11 wanted everyone to go to the Grand Jury.

12 Q Did the President tell you to make that statement
13 in March?

14 A Yes, he did.

15 Q He told you to make a statement that no one in the
16 White House was involved?

17 A The statement that I made in March related to the
18 fact -- and I made this just before we left for California --
19 related to the fact that the President wanted everyone to go
20 to the Grand Jury, and we were also, during that period,
21 asserting how we would prevent testimony before the Senate
22 Watergate Committee.

23 Yes, at that time, I made the statement that no one
24 in the White House was involved in the Watergate break-in.

25 Q No.

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1 A Or Watergate matter.

2 Q Yes.

3 A That was obviously an ad lib on my part.

4 Q So the President told you nothing which encouraged
5 you to make that statement?

6 A No. I was doing that on the frame of reference in
7 my mind that the purpose of the March 30th statement --

8 Q Aside from that, Mr. Ziegler.

9 A Let me make the point. The purpose of the March
10 30th statement was the fact that the President was encouraging
11 and so stated -- it was a big news story -- that he wanted
12 everyone in the White House and in the Administration to
13 appear before the Grand Jury and we would do so before the
14 Senate Watergate Committee.

15 During that whole period of time, he made reference
16 to that.

17 Q So the President didn't tell you what he had learned
18 on March 21st prior to your making the March 30th statement?

19 A No, he didn't.

20 Q In substance?

21 A No.

22 Q This was a brand new policy that the President was
23 announcing about appearing before the Grand Jury?

24 A Well, it was a restatement of policy and also it
25 related to --

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23. On March 30, 1973 John Dean, after consultation with his attorney, Thomas Hogan, retained Charles Shaffer, an attorney in the criminal law field. That day Dean met with Hogan and Shaffer and discussed the break-in at the DNC headquarters and the events that followed. Haldeman has testified that Dean had indicated earlier that he might retain a private attorney so that Dean -- and, through him, the President -- could consult an attorney familiar with criminal law on the implications of some of Dean's concerns. On the afternoon of April 2, 1973 Dean's lawyers began a series of meetings with the Watergate prosecutors.

	Page
23.1 John Dean testimony, 3 SSC 1009.....	484
23.2 H. R. Haldeman testimony, 7 SSC 2903.....	485

I had been in continuous contact since March 25 with my attorney, Tom Hogan, regarding whom he felt was the best available man in the criminal law field that I might discuss this entire matter with. We had talked on several occasions about Charles Shaffer, whom I had met several years ago and regarded highly as a criminal lawyer.

On March 28 and 29, however, I made several other calls to friends to ask them for suggested names of knowledgeable criminal lawyers, but decided on March 30 that I would retain Mr. Shaffer if he were available. Mr. Hogan informed me that he was and we arranged to meet with him.

The President, along with Haldeman and Ehrlichman, were going to be in California for a week or more in connection with the President's meeting with President Thieu of South Vietnam and I felt that this would give me an opportunity to decide how best I could come forward and end this matter. I had decided that I was going to inform the prosecutors of what the case was all about but before I did so I felt that I should consult with counsel to determine the scope of my own problems.

On March 30, shortly after lunch, I met with Mr. Hogan and Mr. Shaffer. I spent 5 hours telling them everything that I could remember and telling them that I was unwilling to continue in the coverup. Mr. Shaffer advised me to avoid further conversations regarding this subject and said that he would like to talk with me again on Monday morning prior to his seeing the prosecutors.

Accordingly, we met again on Monday morning, April 2, and discussed the matter for several hours more. That afternoon, my attorneys went to the Government prosecutors and told them that I was willing to come forward with everything I knew about the case.

From the outset I was confronted with the problems of executive privilege, attorney-client privilege, and national security. Thus, it was agreed until these problems were resolved that I would exclude matters involving the President from these conversations. I was also uncertain of many of the dates and details of the facts that I had general knowledge of so I began reconstructing a chronology of events. As each session progressed, I was able to provide more information, more leads, and more explanations of the interrelationships within the White House and the relationships of persons who were involved.

During the period of April 2 until April 15, the meetings I had with the prosecutors were initially focusing on the activities which had led up to the June 17 break-in at the Democratic National Committee and all the knowledge I had regarding the events before June 17, but as our discussions evolved and I began telling them more and more of the coverup, their interest began to focus more and more in that area.

As I began explaining what I knew, it was evident that the prosecutors had no conception of how extensive the coverup was so I tried to provide them with all the details that I could remember. Also, as the conversations regarding the coverup began to get into more and more specifics, we moved into areas that came closer and closer to the President, but prior to April 15 I did not discuss any of the areas of Presidential involvement.

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From April 1 to 7, I was in San Clemente with the President. Despite Mr. Dean's statement that during that period he, under advice of counsel, endeavored to avoid any contact with Haldeman, Ehrlichman, or Mitchell—we talked on the phone daily. The main problem he seemed to have during that period was the continuing one with Mitchell regarding the discrepancy on the number of meetings.

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We returned to Washington on April 8. During that week Ehrlichman continued his investigation—and on Saturday the 14th reported his conclusions to the President in the form of a verbal statement of his theory of the case based on all of the information he had acquired—still, of necessity, mostly by hearsay.

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By the end of the week both Dean and Ehrlichman had come to the view that Mitchell had approved the Watergate plan and there was some discussion that, if that were the fact, and if Mitchell decided to step forward and say so, it would be a major step in clearing up the Watergate mystery. This was not discussed in any context of asking Mitchell to do this as a scapegoat or to divert attention from others—but as a major step in bringing out the truth.

Over the weekend, both Magruder and Dean met with the U.S. attorneys in private sessions and gave their full accounts of the Water-

24. On March 30, 1973 newspaper reports stated that Robert Reisner, former Administrative Assistant to Jeb Magruder at CRP, was to be subpoenaed by the staff of the SSC. Magruder has testified that he realized that his story about his 1972 meetings with Mitchell, Dean and Liddy would not hold up. Magruder realized, among other things, that the SSC had begun an investigation and Reisner, who knew about the meetings and who had previously been missed by the prosecutors, would be gotten to. On March 31, 1973 Magruder, who previously had been represented by the attorneys for CRP, retained James Bierbower as his personal attorney.

	Page
24.1 <u>Washington Post</u> , March 30, 1973, A1, A6.....	488
24.2 Robert Reisner testimony, 2 SSC 489, 508-10.....	490
24.3 Jeb Magruder testimony, 2 SSC 805-06, 808.....	494

McCord Takes 5th 20 Times, Effort to Gain Immunity Seen

By Bob Woodward
and Carl Bernstein
Washington Post Staff Writers

Watergate conspirator James W. McCord Jr. repeatedly invoked the Fifth Amendment during his initial appearance before a Senate investigating committee Wednesday, refusing to discuss whether a broad range of potentially illegal activities had been undertaken on behalf of President Nixon's re-election.

According to Senate sources, McCord cited his privilege against self-incrimination in answer to more than 20 questions, each asking whether he had personal knowledge of additional wiretapping or other acts of political espionage and sabotage in Mr. Nixon's re-election campaign.

The sources said members of the Senate's select Watergate committee regarded McCord's invocation of the Fifth Amendment not as an uncooperative gesture, but rather as an open suggestion that they grant him immunity from further prosecution.

They predicted that McCord, the former security coordinator of the Committee for the Re-election of the President, who was convicted in the Watergate conspiracy case,



JAMES W. McCORD

... questioned in Senate would not hesitate to answer the questions posed Wednesday if he were granted immunity.

"He seemed to be saying to the committee that he has a wide knowledge in a wide variety of areas involving criminal activity during the President's campaign," said one source, adding: "He gave the impression that he would be delighted to speak about it if the committee gives him immunity."

Among the questions McCord

reportedly refused to answer were those dealing with Robert C. Mardian, the former chief of the Justice Department's internal security division — the division responsible for managing legal wiretaps for the federal government.

Mardian, later the political coordinator of Mr. Nixon's campaign, headed an internal investigation of the Watergate bugging for the President's re-election committee and, according to investigative sources, supervised a "housecleaning" that included the destruction of numerous documents after the June 17 arrests in the Watergate.

McCord, Senate sources said, acknowledged meeting with Mardian but invoked the Fifth Amendment when asked to discuss the subject of such meetings.

Senate sources reported that the Watergate investigating committee yesterday subpoenaed three former employees of the Nixon re-election committee in an attempt to corroborate McCord's testimony about the alleged involvement of high presidential aides in the Watergate bugging.

The three were identified as Sally Harmony and Sylvia Panarites, both former secre-

See WATERGATE, A6, Col. 1

WATERGATE, From A1

L facies to one of McCord's co-conspirators, former White House aide G. Gordon Liddy, and Robert Reisner, who served as administrative assistant to the deputy director of the Nixon re-election campaign, former Presidential assistant Jeb Stuart Magruder. During his testimony Wednesday, McCord said under oath that he was told by Liddy, his principal superior in the Watergate conspiracy that former Attorney General John N. Mitchell had personally approved plans to bug the Democrats headquarters.

McCord testified Wednesday that Liddy told him that the budget and plans for the Watergate operation were approved during a February, 1972, meeting in Mitchell's office that also was attended by Magruder and White House Counsel John W. Dean III.

According to reliable reports of McCord's testimony, the former Nixon security chief said Liddy also told him that he brought six or more large cardboard charts to the meeting to explain his proposal to bug the Watergate.

McCord, Senate sources said, testified that he thought Miss Panarites might have knowledge of the charts. Reisner, according to the sources, was subpoenaed to determine if he knew any details about the alleged meeting and whether Magruder attended it.

According to reliable reports of his testimony, McCord told the Senate committee that he believes Miss Harmony might have typed final reports of wire-tapped conversations from the Watergate surveillance. One of the unresolved mysteries of the Watergate case has been the question of to whom those reports eventually were distributed.

Miss Harmony also was expected to be asked if she knew anything about a February meeting in Mitchell's office.

In other developments yesterday:

- The Los Angeles Times reported that McCord's account of the meeting in Mitchell's office was "partly corroborated" by Magruder's testimony before the Watergate grand jury last summer. In the testimony, The Times reported, Magruder confirmed that he attended the session with Mitchell, Liddy and Dean. However, Magruder told the grand jury that no plans for the Watergate bugging were discussed at the meeting, according to The Times account.

- A growing number of Republican senators and party leaders voiced concern about the Watergate, with some calling on President Nixon to appoint a special prosecutor to investigate the matter.

- Sen. Lowell P. Weicker (R-Conn.), a member of the Senate Watergate committee, said that the Watergate bugging was not an isolated incident of spying directed by the White House. If the Senate committee intends to get to the bottom of the matter, Weicker said, it will be necessary to focus the probe on persons other than Liddy and on espionage incidents other than the Watergate.

- Former White House consultant E. Howard Hunt Jr. testified for a third day before a federal grand jury that has reopened its probe of the case. Hunt reportedly was asked about McCord's allegations and other ties Hunt may have had to the broader campaign of political spying.

- Reliable Senate sources said McCord's testimony also focused briefly on White House chief of staff H. R. Haldeman, but denied reports published in some newspapers today that the testimony in any way implicated Haldeman in the bugging.

The sources said McCord testified that he once sent Haldeman a memorandum dealing with routine security

Mr. REISNER. I do.

Mr. DASH. Mr. Chairman, Terry Lenzner, assistant chief counsel, will ask the first few questions of the witness.

Mr. LENZNER. Mr. Reisner, will you spell your name and address please?

TESTIMONY OF ROBERT A. REISNER

Mr. REISNER. My name is Robert Reisner, middle initial A. F., my address is 2727 29th St. NW., Washington.

Mr. LENZNER. Will you spell your last name?

Mr. REISNER. R-e-i-s-n-e-r.

Mr. LENZNER. And you are appearing here today without counsel; is that correct?

Mr. REISNER. That is correct.

Mr. LENZNER. Do you have any short opening statement you would like to make?

Mr. REISNER. No, I do not. As you know, Mr. Lenzner, Mr. Chairman, I have met with your staff on a number of occasions in an effort to try to be cooperative as I can be and I am appearing here in the same spirit and I will be glad to answer your questions.

Senator ERVIN. I would like to say on behalf of the committee the staff assures me that you have been most cooperative.

Mr. REISNER. Thank you.

Mr. LENZNER. Mr. Reisner, were you employed by the Committee To Re-Elect the President in November of 1971?

Mr. REISNER. I was.

Mr. LENZNER. And what was your position with the committee?

Mr. REISNER. I was administrative assistant to Mr. Jeb Magruder.

Mr. LENZNER. And how long did you hold that position?

Mr. REISNER. I worked for Mr. Magruder from November 1971 until July 1972. In July, I then went to work for Mr. Clark MacGregor as his executive assistant.

Mr. LENZNER. When did you leave the Committee To Re-Elect?

Mr. REISNER. On November 8, following the election.

Mr. LENZNER. Can you briefly describe your duties as Mr. Magruder's administrative assistant?

Mr. REISNER. My duties were pretty conventional—that of administrative assistant. There were three kinds of duties. Basically I was responsible for the people, for coordinating among the people that he saw, in other words, his schedule. I was responsible for coordinating the paper flow that came in and out of his office and, therefore, the decisions, just keeping track of the decisions that accompanied that paper flow. And finally, I was responsible for sort of followup role, just keeping tabs on things that he wanted to have done and that he had asked various senior staff members to do for him.

Mr. LENZNER. Now, in those duties did you maintain a diary of Mr. Magruder's schedule?

Mr. REISNER. No, I did not personally maintain a diary. I was responsible for his calendar and I had a secretary who also worked directly for Mr. Magruder named Vicki Chern, and her role was to keep a calendar and keep his own calendar up to date and that would be the accurate record of his schedule.

Mr. LENZNER. Now, did there come a time when you were introduced to Gordon Liddy?

Senator ERVIN. Just generally speaking.

Mr. REISNER. Generally speaking, shredding that document, I remembered for the first time when I read that Mr. Gray had shredded a document and I simply realized that there was a similarity there.

Senator ERVIN. When were you subpoenaed to go before the grand jury?

Mr. REISNER. On April 8. It was at a subsequent meeting with Mr. Silbert that I described that document to him. It was in a previous appearance before the grand jury that I described virtually all that I have described here today.

Senator ERVIN. Did you talk to Mr. Silbert before you talked to this committee staff?

Mr. REISNER. Yes, sir.

Senator ERVIN. Were you subpoenaed before the grand jury before you talked to the staff of this committee?

Mr. REISNER. To be precise, on March 30, your staff subpoenaed me, which was the first time I had heard from an investigatory body. I met with two of your investigators on that Friday. The subpoena was canceled. I believe, Mr. Chairman, you were out of town and returned and the nature of the proceeding changed.

Subsequently, I was subpoenaed by the grand jury and appeared there.

Senator ERVIN. Now, did you receive a phone call or any communication from Mr. Magruder after you were subpoenaed to go before the grand jury or before our committee?

Mr. REISNER. Yes, sir; on that Friday, which was, I believe, March 30. Actually, it was in the newspaper before I knew what was going to happen. I read in the newspaper that morning that I was to be subpoenaed.

Senator ERVIN. What did Mr. Magruder ask you to do?

Mr. REISNER. He asked me to get together with him. He called me at home and asked me to get together with him that morning. He asked me whether he could take me to work. I indicated that I didn't think that was appropriate, because I presumed that the reason I was being subpoenaed before this committee was to discuss Mr. Magruder; therefore, I didn't think it was appropriate for us to meet.

He then called me again that morning to urge a meeting. I suggested there should be a third person there. We set a meeting. Then I chose not to attend the meeting. I wanted to be firm about not meeting with him.

Senator ERVIN. Did he say anything to you in either of those conversations about meeting with a Paul O'Brien?

Mr. REISNER. Yes, sir; the nature of that was this, as I understand it. I indicated to him that if we were going to meet, there should be a third person there.

He said, well, we will have to find someone. How about if we find either Paul O'Brien or Ken Parkinson, who were counsel to the committee?

I said that that would be acceptable, but subsequently called Mr. O'Brien at 11 o'clock that morning and said that I didn't think it was appropriate to get together with the man about whom I was going to be asked to testify. Mr. O'Brien agreed with that and said that he understood completely and there was no problem.

Senator ERVIN. Did Mr. O'Brien give you advice about or make an offer of help to you?

Mr. REISNER. Mr. O'Brien?

Senator ERVIN. Yes.

Mr. REISNER. Well, yes, sir, he was counsel to the committee, and I think he said, "I will be glad to help you, Bob," but, he said, "I think you will have to realize that if you have independent counsel or someone who is independent who can give you advice, that may be your best situation. After all, I have to represent the committee as well."

Senator ERVIN. What was Magruder's reaction when you told him that—

Mr. REISNER. I didn't want to come to the meeting?

Senator ERVIN [continuing]. That you didn't want to meet him.

Mr. REISNER. He called Mr. O'Brien's office expecting me to be there and found out I wasn't going to attend. His response was extremely agitated. He felt he wanted to know what I thought I was doing.

He also indicated to me that—I had said to Mr. O'Brien I didn't think there was very much I could provide that would be helpful to this committee and Mr. O'Brien had apparently—we just discussed briefly the nature of the evidence I could provide and Mr. Magruder—one of the pieces of evidence, of course, was the easel. We mentioned that and I think Mr. Magruder stated that he didn't—he said there was no easel. He said, I don't see how you can remember that.

Senator ERVIN. Now, he called you at your home, didn't he, and talked about that?

Mr. REISNER. Yes, sir.

Senator ERVIN. That was the third telephone call he made to you that day?

Mr. REISNER. Yes, sir.

Senator ERVIN. I would like you to explain the conversation. What did you tell him outside of the easel and what did he tell you?

Mr. REISNER. What did he tell me?

Senator ERVIN. Yes.

Mr. REISNER. He also indicated to me—well, the nature of the conversation was one in which he was saying to me, you know, what are you doing? There was no easel.

Then he said, I can't understand this. He said, you know, are you not going to be cooperative? Are you not going—everyone else has been cooperative, or something to that effect.

Now, in fairness to Mr. Magruder here, because I think it is bordering on a very serious point that I have discussed with your staff, there was a fourth phone call on that day. He, I think, knew that he didn't wish to—that I didn't want to meet with him. He called my home and had my wife call me and ask me to call him that evening.

Now, in that evening phone call, the entire nature of the phone call was different. I think he said that he was upset, that he was sorry if he was overly anxious. He said he just wanted me to realize that there were some extremely serious matters concerned here and that I should treat them in that way.

I said I intended to treat them in that way.

Senator ERVIN. Did he tell you at that time that you should be careful about what you said because people's lives and futures were at stake?

Mr. REISNER. Yes, he did. That was in that second phone call, and that was by way of explaining to me why he was so concerned.

Senator ERVIN. Just for my edification, I wish you would explain about the easel story, because I don't quite understand.

Mr. REISNER. Yes, sir. I think the nature of the easel story is just that Mr. Liddy came to me indicating that he was going to have a meeting with Mr. Mitchell and that he wished to have some sort of a prop to use, on which to use visual aids. I indicated to him I would try to look for such a prop.

I had, I think, one of the secretaries call Mr. Mitchell's office and see whether there was such a prop. I don't think there was.

Senator ERVIN. In other words, Mr. Liddy told you he was going to meet with Mr. Mitchell.

Mr. REISNER. Yes, sir.

Senator ERVIN. And he asked you if you could get him an easel on which he could display charts for Mr. Mitchell's—

Mr. REISNER. He did not say to display charts, but I presumed that is what it was.

Senator ERVIN. Senator Baker.

Senator BAKER. Mr. Chairman, thank you very much. If there is no objection by you and the committee, I would like to yield now to Senator Weicker to examine the witness.

Senator WEICKER. Thank you, Mr. Chairman.

Mr. Reisner, I would like to go back to the evening of June 17, because as I understand your testimony, and if I also understand testimony that has been given before this committee, there seems to be some discrepancy as to what occurred.

Now, just let me try to go over the sequence of events that transpired with the phone call to Mr. Magruder the evening of the 17th from Mr. Magruder's office.

Was Mr. Odle on the phone when you spoke to Mr. Magruder?

Mr. REISNER. Yes.

Senator WEICKER. During the entire time?

Mr. REISNER. It is my belief that he was on the phone during the entire time. As I remember the phone call, he initiated it.

Senator WEICKER. Now, may I stop you? Mr. Odle initiated the phone call?

Mr. REISNER. Yes, sir.

Senator WEICKER. Why would he have initiated it?

Mr. REISNER. He, I think, came into the room and said, what is the—are you doing here?

I said, Jeb called me and asked me to come down here.

He then said something to the effect—well, he said—I said that the reason I was down there was to remove some sensitive things from the file and that that is what Jeb wanted me to do.

He said, do you know exactly what he wants?

I said, no, not really.

He said, I think we ought to tell him about the news, or something to that effect. So he called Mr. Magruder.

had a direct relationship to the President at all. In fact, the use of his name was very common in many cases where it was inappropriate; in other words, where he had not had any dealings in the matter. So I knew that this did not necessarily mean it came from the President or anyone else other than Mr. Dean or Mr. Mitchell.

Mr. DASH. But you did not know to the contrary.

Mr. MAGRUDER. No; I did not know to the contrary.

Mr. DASH. Did you know or have any knowledge of any plans to pay attorney's fees or salaries to defendants or support for the families of the defendants?

Mr. MAGRUDER. I was aware that they were being taken care of because, of course, one of the questions I had if I was going to—particularly before the second grand jury appearance where I had to decide to go up and tell this coverup story—that I wanted assurances that the other seven defendants, the seven defendants would hold and I was assured they were being taken care of. That was the extent of my knowledge.

Mr. DASH. Were you aware of any concern about any one of the defendants during this period of time?

Mr. MAGRUDER. Well, at varying times there was concern over particularly Mr. McCord. I think Mr. Hunt to some extent at various times and also I think Mr. Sturgis who I did not know. They were three who were brought up most frequently.

Mr. DASH. Were you aware of any plans to propose a CIA defense for the defendants?

Mr. MAGRUDER. Again, in these series of meetings that we had from the period, from the break-in to September, that defense was discussed in general terms at meetings I attended but I could not be specific about it.

Mr. DASH. Now, you testified at the first Watergate trial?

Mr. MAGRUDER. Yes, sir.

Mr. DASH. And at that trial did you tell this same false story that you testified before the grand jury and told the FBI?

Mr. MAGRUDER. Yes, sir.

Mr. DASH. By the time of the trial in January all seemed, Mr. Magruder, to have worked well according to the plan that you had worked out with Mr. Mitchell, Mr. Dean, Mr. LaRue and Mr. Mardian. At what time, to your recollection, if it did occur did the plan begin to crumble?

Mr. MAGRUDER. Well, I think that as soon as we realized that the grand jury was going to reconvene, much more so than Mr. McCord's statement because I knew Mr. McCord's statements would be hearsay, but as soon as I knew the grand jury was going to reconvene I knew that things would be difficult to hold. I knew I could not go through the same process, now that the election was now over and the reason for the coverup from my standpoint was now no longer valid. But also I knew that Mr. Reisner, the one—from my standpoint, the only mistake the prosecutors made was in going through the organization they missed Mr. Reisner, and if they had caught Mr. Reisner earlier, I think this story would not have been made but I knew they would get to Mr. Reisner now because it had been obvious he had been my assistant at that time and so as soon as I knew that and as soon as I knew Mr.

Dean began to indicate some reluctance to discuss those meetings in the same terms that I had discussed them at the grand jury, I knew the story would not hold up under a second investigation by your committee, which, of course, had begun to hold hearings and also the grand jury.

Mr. DASH. Did you have a meeting with Mr. Haldeman in January 1973?

Mr. MAGRUDER. Yes; I did.

Mr. DASH. Could you briefly tell us what the nature of that meeting was and what was discussed?

Mr. MAGRUDER. The meeting was for two purposes. I was the director of the inaugural at that time and was to discuss future employment regarding myself and also at that time there was a problem regarding Mr. Porter's employment and I had made certain assurances, Mr. Mitchell had, about his employment and I wanted to be sure Mr. Haldeman was aware of that. And then, third, and I realize now that these were probably taped conversations. I had some conversations with Mr. Dean in his office where he indicated a certain lack of memory to events, and I became rather concerned. He indicated at one point that, wasn't that surprising how this plan was ever put into operation, and I said, "Well, John, surely you remember the meetings we attended" and he didn't seem to remember those meetings, and I said to myself something is going to happen here if that continues. I think as it turned out these conversations were taped, so I thought I had better see Mr. Haldeman and tell him what had actually happened. I thought probably that this was becoming scapegoat time and maybe I was going to be the scapegoat, and so I went to Mr. Haldeman and I said I just want you to know that this whole Watergate situation and the other activities was a concerted effort by a number of people, and so I went through a literal monologue on what had occurred. That was my first discussion with Mr. Haldeman where I laid out the true facts.

Mr. DASH. Do you know what day or date approximately in January that occurred?

Mr. MAGRUDER. It would have been before the inaugural because we were still working on the inaugural but I would have to look in my diary as to what date specifically.

Mr. DASH. Did there come a time when you met with Mr. Mitchell sometime after the trial?

Mr. MAGRUDER. Yes. Well, the McCord letter basically activated great concern in the sense——

Mr. DASH. That letter, I think the record will show, was March 23.

Mr. MAGRUDER. That is correct.

Mr. DASH. That was read out by Judge Sirica in the courtroom on the sentences on March 23.

Mr. MAGRUDER. That is correct, and that, of course, accelerated the process of concern on, I think, all of the participant parties. I, on Monday, the 25th, went to see the two lawyers for the committee. As you are aware at this time I did not have my own counsel so I was depending on counsel basically from our committee, and I went over my problems with them, which I think were more acute at that time than the other participants and they agreed that I had a serious problem and suggested that I see, retain my own counsel. I think they then transmitted that concern of mine to Mr. Mitchell because on Tuesday he

Mr. DASH. And Mr. Haldeman knew that then, did he not?

Mr. MAGRUDER. I cannot recall in my meeting with him in January whether—yes, I am sure I did discuss those meetings, yes.

Mr. DASH. So the attempt to get together and agree on that meeting was an attempt to get together and agree on at least from your point of view, would be the full story?

Mr. MAGRUDER. That is correct, Mr. Haldeman recommended that Mr. Dean and Mr. Mitchell and I meet, which we did that afternoon.

Mr. DASH. What was the result of that meeting?

Mr. MAGRUDER. I realize that Mr. Dean had different opinions then as to what he would do probably, and so then my—I thought that probably it was more appropriate that even on that Monday that I get separate counsel so that I could get advice independent of the individuals who had participated with me in these activities.

Mr. DASH. In other words, you really could not agree at the meeting with Mr. Mitchell and Mr. Dean.

Mr. MAGRUDER. Well, it was cooperative.

Mr. DASH. What was Mr. Dean's position?

Mr. MAGRUDER. He would not indicate a position.

Mr. DASH. All right. Did there come a time when you did get independent counsel?

Mr. MAGRUDER. Yes, Mr. Parkinson, who was counsel of the committee, recommended Mr. Bierbower and on that Saturday I went to meet him, he was out of the country, and I met him and we agreed, he agreed to be my counsel that Saturday evening.

Mr. DASH. Did there come a time when you decided that you should go to the U.S. attorney's office?

Mr. MAGRUDER. Yes, that is correct.

Mr. DASH. When did you go to the U.S. attorney's office?

Mr. MAGRUDER. We agreed, they discussed the things with the U.S. attorney, I think on April 12 and I saw them informally on April 13 and saw them formally on April 14 on Saturday, April 14.

Mr. DASH. At that time did you tell everything to the assistant U.S. attorneys?

Mr. MAGRUDER. Yes, I cooperated.

Mr. DASH. Who did you meet with?

Mr. MAGRUDER. Mr. Silbert, Mr. Glanzer, and Mr. Campbell.

Mr. DASH. Did you tell them everything you are now telling this committee?

Mr. MAGRUDER. Yes.

Mr. DASH. Did you have a meeting afterward with Mr. Ehrlichman?

Mr. MAGRUDER. Yes, Mr. Ehrlichman called while I was with the U.S. attorneys and asked me would I come over and talk to him about the case. We talked to the U.S. attorneys and they agreed as a courtesy that we should and Mr. Bierbower and the other attorney with Mr. Bierbower and I went to see Mr. Ehrlichman that afternoon.

Mr. DASH. Then, according to that meeting that you had with Mr. Ehrlichman, what happened?

Mr. MAGRUDER. We told him in rather capsule form basically what I told you this morning.

Mr. DASH. All right.

Now, I have just two final questions. I want to go back to the time when you came back from California to Washington, putting you back

25. On April 2, 1973 Ronald Ziegler issued a public statement criticizing the Senate Select Committee as being plagued by irresponsible leaks of tidal wave proportions. Ziegler stated that the White House intended to cooperate with the Committee but called on Senator Ervin to get his own disorganized house in order so that the investigation could go forward in a proper atmosphere of traditional fairness and due process.

Page

25.1 Washington Post, April 3, 1973, A1, A4..... 498

Ervin Insists Aides Testify Under Oath

By Bob Woodward and Carl Bernstein

Washington Post Staff Writers

Sen. Sam J. Ervin (D-N.C.) yesterday rejected a White House suggestion that presidential aides appear informally before the Watergate investigating committee, observing that they are not "royalty or nobility" who can be excused from testifying under oath and in public.

Ervin, who heads the seven-member investigating committee, said he would accept nothing less than the

sworn testimony of presidential aides in public sessions and added: "Divine right went out with the American Revolution and doesn't belong to White House aides."

In San Clemente, Calif., presidential Press Secretary Ronald L. Ziegler responded with sharp White House criticism of the Ervin committee, citing what he called "irresponsible leaks in tidal wave proportions" from the committee's closed-door session last week.

"I would encourage the chairman," Ziegler said, "to get his own disorganized house in order so that the investigation can go forward in a proper atmosphere of traditional fairness and due process."

Ervin also repeated his threat to have White House aides arrested and cited for contempt by the Senate if they refuse to respond to a subpoena. He gave no indication when subpoenas for the aides might be issued.

Ervin presently has the backing of at least five of the other six members of the Watergate committee to force a showdown with the White House on executive privilege.

The clash apparently left the Ervin committee and the White House more than ever at an impasse over the President's claim that executive privilege allows him to keep his aides from testifying before Congress. The President has said he would welcome a court test to determine whether his aides could be forced to testify.

In other developments yesterday:

- Former White House aide G. Gordon Liddy, described by prosecutors as the "boss" of the Watergate bugging, refused to answer "all substantive questions" put to him in a 2½-hour appearance before a federal grand jury, according to Liddy's attorney, Peter Maroulis. Liddy was convicted at the Watergate trial and could face a contempt of court

See WATERGATE, A4, Col. 1.

Ervin Won't Accept Informal Testimony

WATERGATE, From A1

citation unless he cooperates with the grand jury.

• Another convicted Watergate conspirator, James W. McCord Jr., was ordered to give a sworn deposition today to attorneys for the President's re-election committee in pending civil suits stemming from the Watergate bugging. (McCord has voluntarily testified before the Senate committee, and is scheduled to appear before the Hill panel again Wednesday.)

President Nixon was emphatic last month in stating that he would not allow present or former aides to testify in a formal session of a congressional committee. Without elaborating, Ziegler said last Friday that some informal testimony might be permitted before the Ervin Committee.

In holding firm to his position that public, sworn testimony is required, Ervin said that Mr. Nixon's assertion is "shooting the so-called executive privilege doctrine way out past the stratosphere . . . and a terrible disservice to the high office of the presidency."

"That is not executive privilege, that is executive poppycock," Ervin said. He said executive privilege does not apply to illegal or unethical behavior, such as the Watergate bugging.

Ervin, a 76-year-old former state supreme court judge added, said in answer to a question at a morning press conference, "The President is conducting himself in such a way as to reasonably engender in the minds of people the belief he is afraid of the truth."

At one point Ervin criticized the President's legal judgment. "I am going to suggest that Duke Law School give him a refresher course," Ervin said. President Nixon graduated from Duke law school, which is in Ervin's home state of North Carolina. (During a March 15 press conference, the President called Ervin a "great constitutional lawyer.")

Ervin continued: "If all the allegations (about Watergate and other political espionage) are true, we have to consider this was an assault on the integrity of the process by

which the President of the United States is chosen.

"Every person—be he Republican or Democrat or Mugwump—should cooperate with the committee to try to determine the truth of these allegations."

Ziegler's reference to "leaks of tidal wave proportions" from the Ervin committee was an apparent reference to widespread news reports of 4½ hours of sworn, closed-door testimony by convicted Watergate conspirator McCord last week.

According to Senate sources, McCord testified that he had been told that some of the President's top White House and campaign aides had advance knowledge of the bugging operation.

Ziegler also said yesterday: "We've always said that we stand ready to cooperate and to work out a procedure with the (Watergate) committee which we do not feel infringes on the doctrine of separation of powers . . . and it is time to bring this entire procedure back into the framework of orderliness, fairness and respect for the rights of individuals, and no press conference statement, no TV appearance comment, and no use of overstated rhetoric is going to do this."

On a Sunday television show, Sen. Lowell P. Weicker (R-Conn.), a member of Watergate committee, charged that White House chief of staff H. R. (Bob) Haldeman probably

had knowledge of an overall espionage operation run by the President's re-election committee.

Weicker said that it is "absolutely necessary that Mr. Haldeman testify before the select committee" to explain his role.

Weicker also said that nine Republican and Democratic critics of the Nixon administration on Capitol Hill had their offices placed under surveillance last year by the President's re-election committee.

One of those critics, Rep. Shirley Chisholm (D-N.Y.), yesterday called the alleged surveillance "shocking, insane, and one of the foulest acts of man."

In what she described as "a rare display of bipartisan congressional activity," Mrs. Chisholm said that she was lending a member of her staff to Sen. Weicker to assist him in his investigation of the Watergate espionage.

In U.S. District Court yesterday, Judge Charles R. Richey ordered McCord to appear for a deposition hearing today before lawyers for his former employer, the Committee for the Re-election of the President. Last week, the committee subpoenaed McCord, its former security coordinator, as a witness in a civil suit arising from the June 17 bug-ging of Democratic headquarters.

Kenneth W. Parkinson, attorney for the committee, said

that the news reports of McCord's testimony had been "highly damaging" and cited them as a primary factor in the committee's desire to question McCord.

"It's all coming out," said Parkinson. I think it's coming from the Senate, from senators and may be coming from McCord's counsel, Mr. (Bernard) Fensterwald. The information is getting out. It's time we should have an opportunity to find out what is on McCord's mind, what is motivating him to make these kinds of outrageous state-

ments involving innocent persons."

When Nicholas McConnell, an associate of Parkinson, sought to introduce 29 pages of newspaper articles as evidence to support the point, Judge Richey interrupted: "What do leaks have to do with whether a deposition ought to be taken tomorrow?"

Discovering the sources of news reports, McConnell responded, "would be one of the points we'd be interested in." At that moment, Parkinson, who last month subpoenaed 10 reporters and news executives

to appear for questioning and produce their notes in the same civil suit, rushed to the courtroom lectern and told Richey: "We're not interested in running down sources." McConnell later told a reporter he had made "a misstatement" about his intentions.

Although McCord was ordered to appear for questioning at 10 a.m., his attorneys told Judge Richey that he would refuse to answer questions on Fifth Amendment grounds until the government grants him immunity from further prosecution.

26. On April 4, 1973 Dean told Haldeman that his lawyers had met privately with the prosecutors.

Page

26.1 H. R. Haldeman testimony, 7 SSC 2903..... 502

APRIL

From April 1 to 7, I was in San Clemente with the President. Despite Mr. Dean's statement that during that period he, under advice of counsel, endeavored to avoid any contact with Haldeman, Ehrlichman, or Mitchell—we talked on the phone daily. The main problem he seemed to have during that period was the continuing one with Mitchell regarding the discrepancy on the number of meetings.

It is my understanding that Dean hired a lawyer, Mr. Shaffer, about March 30. He had indicated earlier that he might do this so he—and, through him, the President—could consult an attorney familiar with criminal law on the implications of some of the concerns Dean was developing. He told me that his lawyer had told him he should not write anything down about the Watergate case and, if he had written anything down, he should not show it to anyone and he should not talk to Mitchell or Magruder. He did not mention to me that his lawyer had told him not to talk to me or Ehrlichman and he did, in fact, continue to talk—to me, at least.

He told me his lawyers had met privately with the U.S. attorneys on April 4. He told me again on April 7 that his lawyers had met with the U.S. attorneys on April 6. This despite the fact that in his testimony he has said that his lawyers were meeting with the prosecutors but this was unknown to Haldeman or Ehrlichman.

He further said that the U.S. attorneys had told his lawyers—and he believed that this was the straight information because this was an eyeball-to-eyeball meeting—that the U.S. attorneys were only interested in the pre-June 17 facts. They had no concern with post-June 17. They only wanted Dean as a witness. They did not consider him a target of their investigation. They did not consider Haldeman as a target and probably would not even call him as a witness. Liddy had told them everything but his lawyers didn't know it; and Liddy completely cleared the White House; that is, in telling them everything, Liddy had confirmed that nobody in the White House had had any involvement.

We returned to Washington on April 8. During that week Ehrlichman continued his investigation—and on Saturday the 14th reported his conclusions to the President in the form of a verbal statement of his theory of the case based on all of the information he had acquired—still, of necessity, mostly by hearsay.

There were several meetings with Dean that week and I recall a continuing concern on Dean's part regarding the discrepancy with Mitchell and the planning meetings. I don't recall any major changes in Dean's view of the facts from what he had reported on the phone earlier.

By the end of the week both Dean and Ehrlichman had come to the view that Mitchell had approved the Watergate plan and there was some discussion that, if that were the fact, and if Mitchell decided to step forward and say so, it would be a major step in clearing up the Watergate mystery. This was not discussed in any context of asking Mitchell to do this as a scapegoat or to divert attention from others—but as a major step in bringing out the truth.

Over the weekend, both Magruder and Dean met with the U.S. attorneys in private sessions and gave their full accounts of the Water-

27. On April 5, 1973 L. Patrick Gray called the President and requested that his nomination as permanent Director of the FBI be withdrawn. According to Gray, the President told him that this was a bitter thing to have happened to Gray and there would be a place for Gray in the Nixon administration. The President informed Gray that he wanted him to serve as Acting FBI Director until a successor was confirmed. In a public statement issued by the President on April 5, 1973 announcing the withdrawal of Gray's name, the President praised Gray and stated that his compliance with Dean's completely proper and necessary request for FBI reports exposed Gray to totally unfair innuendo and suspicion.

	Page
27.1 L. Patrick Gray testimony, 9 SSC 3545-46.....	504
27.2 President Nixon statement, April 5, 1973, 9 Presidential Documents 335.....	506

year I had in the Federal Bureau of Investigation, of any tendency toward a national police force, I saw just the opposite.

Senator BAKER. Well, Mr. Gray, I think that is very helpful and I am sure we will have an opportunity to discuss that both in the public forum and private conversations as legislators in the future, but I think your suggestions are well taken and I think they will in fact be taken into account.

Thank you, sir.

Senator ERVIN. Senator Weicker.

Senator WEICKER. Now, Mr. Gray, this is the end so far as my questioning is concerned, but there is one loose end I think I want to pursue.

This morning I read to you the President's statement of April 30 wherein he says:

As a result on March 21 I personally assumed the responsibility for coordinating intensive new inquiries into the matter and I personally ordered those conducting the investigations to get all of the facts and to report them directly to me right here in this office.

I asked you whether or not you had received such an order from the President at that time and you indicated "No."

Mr. GRAY. That is correct, Senator Weicker.

Senator WEICKER. Now, just so if any responses come in the future from various and sundry parties that we put them in the proper context, it could be interpreted the reason why you received no such order was a lack of confidence in you. It could be interpreted that way. I am not saying that is the case but it could be interpreted that way.

Do you have any knowledge that there was a lack of confidence, a lack of faith in you at this time, March 21, on the part of the President of the United States?

Mr. GRAY. No, sir. As a matter of fact, I received a call from the President on March 23 wherein, among other things, he told me there would always be a place for me in the Nixon administration.

Senator WEICKER. Now, I would like to get to the one lost end here. You had another conversation with the President of the United States, as I understand it, on April 5. Could you recount to this committee the nature of that phone conversation?

In order that we might shorten up here, as I understand it, on April 4, it was suggested to you, and you may want to make further comment, you withdrew your nomination on that day or the next day. On April 5, it was indicated to you by the Attorney General, Mr. Kleindienst, that you would be allowed to withdraw your name and that the White House was expecting a call. So with that background, if you want to add to that background, please do.

Mr. GRAY. I called the President that evening after I had met with the assistant directors of the FBI at 5 p.m., to tell them I was going to request the President to withdraw my nomination. And I called the President and I told him that it was obvious that I did not have the votes and that the nomination would not come out of the committee and I thought that the best thing that I could do would be to request him to withdraw my nomination and he told me that this was a, and these are not his exact words, I know that, but the thought is here, that this was a bitter thing to have happened to me, there will be an-

other time to fight our enemies, and he again said, "I am quite positive there will be a place for you in the Nixon administration," and I believe that I read to him my letter requesting that my nomination be withdrawn in which I said to him that I would be perfectly willing to serve should it be his desire until my successor would be named and confirmed and the President said to me, "I will want you to do just that." And I did; I remained there until April 26, April 27, actually.

Senator WEICKER. So that at least insofar as up to April 5 was concerned you had firsthand knowledge expressed, firsthand knowledge of the President's confidence in you insofar as the President himself expressed it to you?

Mr. GRAY. Yes, sir; because I am quite certain I read to him that paragraph in my letter where I said I would remain "should you desire until a successor is nominated and confirmed."

Senator WEICKER. Now, lastly, Mr. Gray, as far as I am concerned, this trail started with a phone call to me from you on April 17 in the morning around 9 o'clock, where you indicated that the lid was going to blow off—and starting at that moment in time through our meetings on the 25th, 26th, and subsequent days, slowly but surely you told a complete story to me, to the committee staff, and to the committee and I believe here to this committee today.

And probably nobody has more right to wonder why the story was so slow in coming, and in some instances was incorrect, than I have because you told it to me first. But I think at least I would like to go on record in saying that at each point along the way more truth came from you, earlier, even though it might not have been the whole truth, more truth came out earlier than from any other person that I encountered in this town. I think a good example of that, because I do want to try to relate something in the peoples' mind that happened right here before this committee. We all talk about the July 6 phone conversation with the President. I remember hearing that at 7:30 in the morning on the morning of May 10. General Walters, of course, gave it in testimony before, I believe, the Armed Services Committee on May 18. The first we learned from the President was on May 22. I just use that as a simple example to the many matters that you and I discussed.

So certainly, I for one, am deeply appreciative of what must have been a very difficult role and nobody is exonerating anybody else, and you have admitted to this committee yourself as to the burdens that you have to bear. But at least, as an end to my particular questioning, I notice that a minute ago you commented maybe the agents were overawed by those they had to go ahead and interview. Of course, I suppose my question to you, Pat, is; were you overawed by the men, the institution of Government that you worked for?

Mr. GRAY. I do not know that I was overawed but I certainly had a very—well, the only way to classify it—deep and abiding respect built up over the years for the Office of the Presidency and knowing and feeling in my own mind that no matter who comes into that Office he always rises to the burdens of that Office and that the individuals in it, in my judgment and in my book, have always been above and beyond reproach and perhaps with that in mind, Senator Weicker, you could say yes, that I was overawed, but I believed and I trusted and I think I had every reason to believe and to trust and at no time did I ever

From April to September 1970, Mr. Bomar was a partner in the Encino, Calif., real estate consulting firm of Armur Associates. He was vice president of the Larwin Group, Inc., a real estate development and financial firm in Beverly Hills, Calif., from 1967 to 1970. From 1961 to 1967, he was with the Security Pacific National Bank in Los Angeles, Calif., where he was assistant vice president and commercial and real estate lending officer.

He was born in Sherman, Tex., on July 16, 1937. Mr. Bomar attended Glendale College and received his B.S. from California State University at Northridge in 1960 and his M.B.A. from the University of California at Los Angeles in 1961.

Mr. Bomar is married and has two children. The Bomars reside in Potomac, Md.

NOTE: The announcement was released at San Clemente, Calif.

Boards of Visitors to the Service Academies

Announcement of Appointment of Six Members of the Boards of Visitors. April 5, 1973

The President today announced the appointment of six persons to be members of the Boards of Visitors to the Service Academies, for terms expiring December 30, 1975.

Board of Visitors to the U.S. Air Force Academy

BRIG. GEN. ROBERT F. McDERMOTT (USAF, Ret.), of San Antonio, Tex., president, United Services Automobile Association, and permanent dean of faculty, U.S. Air Force Academy. He succeeds Kenneth Dahlberg, whose term has expired.

CHURCHILL T. WILLIAMS, of Oelwein, Iowa, president, Oelwein State Bank. He succeeds James Reynolds, whose term has expired.

Board of Visitors to the U.S. Naval Academy

LT. GEN. VICTOR H. KRULAK (USMC, Ret.), of San Diego, Calif., vice president, Copley News Service. He succeeds H. Ross Perot, whose term has expired.

ADM. HARRY D. FELT (USN, Ret.), of Honolulu, Hawaii, business consultant. He succeeds John McMullen, whose term has expired.

Board of Visitors to the U.S. Military Academy

GEN. LEIF J. SVERDRUP (USA, Ret.), of St. Louis, Mo., senior partner, Sverdrup & Parcel, and president, Sverdrup & Parcel Overseas, Inc. General Sverdrup is being reappointed.

MAJ. GEN. GEORGE OLMSTED (USAR, Ret.), of Arlington, Va., chairman and president, International Bank of Washington. He succeeds Louis Vincenti, whose term has expired.

The purpose of the boards is to inquire into the morale and discipline, the curriculum, instruction, physical equipment, fiscal affairs, academic methods, and any other matters relating to the Academies which they choose to consider. All three boards consist of six members serving terms of 3 years.

NOTE: The announcement was released at San Clemente, Calif.

Director of the Federal Bureau of Investigation

Statement by the President on His Intention To Withdraw the Nomination of L. Patrick Gray III, at Mr. Gray's Request. April 5, 1973

Pat Gray is an able, honest, and dedicated American.

Because I asked my counsel, John Dean, to conduct a thorough investigation of alleged involvement in the Watergate episode, Director Gray was asked to make FBI reports available to Mr. Dean. His compliance with this completely proper and necessary request exposed Mr. Gray to totally unfair innuendo and suspicion, and thereby seriously tarnished his fine record as Acting Director and promising future at the Bureau.

In view of the action of the Senate Judiciary Committee today, it is obvious that Mr. Gray's nomination will not be confirmed by the Senate. Mr. Gray has asked that I withdraw his nomination. In fairness to Mr. Gray, and out of my overriding concern for the effective conduct of the vitally important business of the FBI, I have regretfully agreed to withdraw Mr. Gray's nomination.

I have asked Mr. Gray to remain Acting Director until a new nominee is confirmed.

NOTE: The statement was released at San Clemente, Calif.

Digest of Other White House Announcements

Following is a listing of items of general interest which were announced to the press during the period covered by this issue but which are not carried elsewhere in the issue. Appointments requiring Senate approval are not included since they appear in the list of nominations submitted to the Senate, below.

March 31

The President and Mrs. Nixon attended the wedding of Cheri Fisher and Richard Ryan in Van Nuys, Calif. Mr. Ryan is Mrs. Nixon's nephew.

The President today accepted with regret the resignation of Vice Adm. John M. Lee as Assistant Director of the United States Arms Control and Disarmament Agency, effective April 1, 1973.

April 2

The President and Mrs. Nixon hosted a dinner at their residence in San Clemente for South Vietnamese President Nguyen Van Thieu and Mrs. Thieu.

28. On April 5, 1973 John Ehrlichman met in San Clemente, California with Paul O'Brien. According to Ehrlichman, O'Brien had asked to meet with H. R. Haldeman to transmit some information to the President. According to Ehrlichman's testimony and notes, O'Brien told him that he had obtained information from Jeb Magruder and others concerning, among other things, Magruder's and Mitchell's involvement in meetings in which the Liddy Plan for electronic surveillance with a budget of \$100,000 to \$250,000 was outlined; Magruder's testimony concerning the number of meetings among John Mitchell, Gordon Liddy, John Dean and Magruder; Magruder's claim that Charles Colson called him urging that the program go forward; Magruder's claim that Gordon Strachan came to him and said the President wants this project to go on; payments that had been made to the defendants and their attorneys; and possible offers or commitments regarding executive clemency to Liddy, Howard Hunt and James McCord. O'Brien told Ehrlichman that neither Magruder nor Mitchell were inevitably hung and that Dean was the key problem. Ehrlichman's notes also state "must close ranks," "JNM will tough it out," "H must bring Jeb up short" and, written below "Jeb," "shut up" and "stop seeing people." After this meeting Ehrlichman met with the President. Ehrlichman has testified that he reported to the President after he had talked to O'Brien.

	Page
28.1 John Ehrlichman log, April 5, 1973 (received from SSC).....	509
28.2 John Ehrlichman testimony, 7 SSC 2729-36, 2751.....	510
28.3 John Ehrlichman notes of April 5, 1973 meeting with Paul O'Brien, SSC Exhibit No. 98, 7 SSC 2922-31.....	519
28.4 Meetings and conversations between the President and John Ehrlichman, April 5, 1973 (received from White House) ,.....	529

DR

✓ THURSDAY, APRIL 5, 1973

8-10:30 Paul O'Brien
11:00 ~~11:30~~ ~~HRH~~ President
3:00 President
4:00 Judge Matthew Byrne

✓ FRIDAY, APRIL 6, 1973

10:30 Bebe Rebozo
11:00 President
11:30 Herb Kalmbach (parking lot of Bank of America,
San Clemente)
1:00 Ted Ashley (Warner Brothers)
1:15-1:45 President
1:45-3:00 Resume lunch with Ashley
7:00 Baseball game with the President -- Anaheim

✓ SUNDAY, APRIL 8, 1973

8:30 Helicopter from Palomar
9:00 Depart El Toro 2:00 - President (Air Force One)
4:30 Arrive Andrews
5-7 HRH, John Dean

✓ MONDAY, APRIL 9, 1973

10:30 Secretary Shultz' office - Stein, Ash, Flanigan
12:30 Lunch with ATG - at Justice
2-2:45 President
6:30 Blair House - Senators Ervin, Baker

✓ TUESDAY, APRIL 10, 1973

8:30 Bipartisan Leadership
10:15 Len Garment, Ziegler
11:15 Ziegler, HRH
12:45-2 President
2:20 Mr. Luce (Con Ed), Marshall McDonald (Florida Power
and Light)
3:00 HRH
3:15 Joined by Dean
5:00 Len Garment

FRIDAY, JULY 27, 1973

U.S. SENATE,
SELECT COMMITTEE ON
PRESIDENTIAL CAMPAIGN ACTIVITIES,
Washington, D.C.

The Select Committee met, pursuant to recess, at 10:05 a.m., in room 318, Russell Senate Office Building, Senator Sam J. Ervin, Jr. (chairman), presiding.

Present: Senators Ervin, Talmadge, Inouye, Montoya, Baker, Gurney, and Weicker.

Also present: Samuel Dash, chief counsel and staff director; Fred D. Thompson, minority counsel; Rufus L. Edmisten, deputy chief counsel; Arthur S. Miller, chief consultant; Jed Johnson, consultant; David M. Dorsen, James Hamilton, and Terry F. Lenzner, assistant chief counsels; R. Phillip Haire, Marc Lackritz, William T. Mayton, Ronald D. Rotunda, and Barry Schochet, assistant majority counsels; Eugene Boyce, hearings record counsel; Donald G. Sanders, deputy minority counsel; Howard S. Liebengood, H. William Shure, and Robert Silverstein, assistant minority counsels; Pauline O. Dement, research assistant; Eiler Ravnholt, office of Senator Inouye; Robert Baca, office of Senator Montoya; Ron McMahan, assistant to Senator Baker; A. Searle Field, assistant to Senator Weicker; John Walz, publications clerk.

Senator ERVIN. Senator Inouye, will you resume your examination of the witness.

Senator INOUE. Thank you very much.

Mr. Ehrlichman, when we recessed yesterday we were discussing your interviews as part of the inquiry made in behalf of the President, and in response to one of my questions you indicated that you had discussed or talked with Mr. O'Brien, Mr. Kalmbach, Mr. Dean, Mr. Mitchell, and again with Mr. Strachan, and you have indicated that you had maintained interview notes.

TESTIMONY OF JOHN EHRLICHMAN—Resumed

Mr. EHRLICHMAN. Of some of those, Senator, and I neglected to say I also talked to Mr. Krogh because of something that came up in the course of these interviews that I wanted to inquire about, so he would be an additional individual that I talked to.

Senator INOUE. We have no notes on Mr. Kalmbach, Mr. Dean, Mr. Mitchell, and Mr. Strachan. Is there any reason for this?

Mr. EHRLICHMAN. You should have. There are notes for Strachan and Dean. There are no notes for my talk with either—for my talk with Mr. Kalmbach. We did turn over to the committee staff the transcript of my interview with Mr. Mitchell which is a very, very poor one. It is not very helpful. It is very sketchy.

(2729)

2730

Senator INOUE. Mr. Dash, do we have the copies of the Kalmbach, Dean, Mitchell, and Strachan—

Mr. EHRLICHMAN. There are no Kalmbach notes, Senator. There are Dean and Strachan notes. The notes that I have here are O'Brien, Dean, Colson, Magruder, and Strachan.

Mr. DASH. Senator Inouye, whatever you have, is what we received. In other words, that was intact, delivered to us in that form, and we have no other notes.

Senator ERVIN. Let the reporter assign it the appropriate exhibit number.

[The document referred to was marked exhibit No. 98.*]

Senator INOUE. Then we have here, Mr. Ehrlichman, one Strachan and you had two Strachan meetings.

Mr. EHRLICHMAN. There are only notes for one.

Senator INOUE. We have a Reisner meeting.

Mr. EHRLICHMAN. No. I think that is actually the—that is the Dean meeting, J. D. is up in the corner of it. That is the Dean meeting on April 13 at 3 p.m.

Senator INOUE. Then, we have an O'Brien meeting.

Mr. EHRLICHMAN. Yes.

Senator INOUE. And Colson and Shapiro.

Mr. EHRLICHMAN. Right.

Senator INOUE. And Magruder.

Mr. EHRLICHMAN. Correct. That is it.

Senator INOUE. We have no Mitchell.

Mr. EHRLICHMAN. No; you have the transcription of two tapes, Mitchell and Magruder, that are both very, very hard to read, hard to understand because the tapes are hard to understand. You also have the tapes themselves, and they are for whatever they are worth. I do not think you can make much from them.

Senator INOUE. I received these notes early this morning, Mr. Ehrlichman, and I must confess that I find it very difficult to understand your hieroglyphics here.

Mr. EHRLICHMAN. Sure, right.

Senator INOUE. So, if I may ask you, whenever the initial "H" appears, is that for Mr. Haldeman?

Mr. EHRLICHMAN. Not necessarily. You would have to take it in the context. Senator, that could also be Hunt in some cases here, although I used the double "H" for Hunt on occasion.

Senator INOUE. JNM is John Mitchell?

Mr. EHRLICHMAN. Yes, sir.

Senator INOUE. And JSM is Magruder?

Mr. EHRLICHMAN. Yes, sir.

Senator INOUE. L or LD or LID is Liddy?

Mr. EHRLICHMAN. Well, LID is certainly Liddy, and I do not recall—yes, I have used L also for Liddy in the Magruder notes.

Senator INOUE. And K or EK for Krogh?

Mr. EHRLICHMAN. I believe so, yes.

Senator INOUE. And CC for Colson?

Mr. EHRLICHMAN. Yes.

Senator INOUE. Now, there is a Greek symbol, the symbol pi. who is that?

*See p. 2915.

Mr. EHRLICHMAN. That is the President.

Senator INOUE. That is the President of the United States?
[laughter.]

If we may, may we begin with your meeting with Mr. O'Brien?

Mr. EHRLICHMAN. Yes, sir.

Senator INOUE. At San Clemente.

Mr. EHRLICHMAN. Right.

Senator INOUE. Please tell us what transpired.

Mr. EHRLICHMAN. All right, sir. The circumstances of this meeting were that Mr. O'Brien indicated that he had some information that he felt the President should have. He called and asked for an appointment with Mr. Haldeman. In view of the fact that 4 or 5 days previously the President had asked me to get into this, he was referred to me. We met in my office at San Clemente, and he began to tell me about what he believed would be Mr. Magruder's testimony—oh, in the upper right corner you will see that he told me that the purpose of his being on the coast was to see Herb Kalmbach in connection with some of the civil litigation which Mr. O'Brien was handling for the Committee To Re-Elect.

Senator INOUE. And this happened on April 5?

Mr. EHRLICHMAN. April 5 at 10 in the morning; yes, sir.

He said that there had been four meetings which led up to the Watergate break-in, and you will see the meetings were referred to by numbers with circles around them. We start with No. 1, which is actually the fourth one that he described to me, which was a meeting between Liddy, Dean, and Mitchell in the Attorney General's office in November. He said that Mr. Mitchell—

Senator INOUE. November of what year, sir?

Mr. EHRLICHMAN. That would have been 1971. That was a meeting which Mr. Mitchell apparently did not recall, which was held for the purpose of Mr. Dean introducing Liddy to Mitchell.

The second meeting appears in the date notebooks of various parties, and that was a meeting between Dean, Liddy, and Magruder for the purpose of introducing Liddy to Magruder, and that was held on January 27, 1972.

There was a subsequent meeting on February 4 involving Dean, Liddy, Magruder, and Mitchell. He said that the third meeting was "canceled," that is to say, the parties agreed that it would be described as a meeting that had been canceled, and then he refers later on to the construction of that story or that version.

He said that John Dean, and bear this in mind now—is hearsay twice removed, this is Magruder telling O'Brien, telling me, he said that Magruder said that Dean kept Haldeman advised by memo of all of these meetings. Actually, there were four meetings, and then he starts through again. The first meeting in November which I have described, he said there was actually a third meeting which was not any of these that I have heretofore described, where a \$1 million budget was proposed by Liddy. Everyone at the meeting agreed that that budget would not be adopted.

Senator INOUE. Did he say for what reason?

Mr. EHRLICHMAN. I didn't ask him. I don't believe at that point.

Senator INOUE. Was it because of the price tag alone?

Mr. EHRLICHMAN. I don't know, Senator, from this conversation. He didn't say.

He said that between meetings No. 3 and No. 4. Mr. Colson phoned twice to Jeb Magruder.

Now, in parentheses I have only according to Jeb, which indicated what Mr. O'Brien told me that this was, the only person he had ever heard this from was Magruder urging that this program go forward. Now I have the notation "Not price," and I don't know what that refers to. That does not jog my recollection at all.

He said that Liddy had a commitment from Krogh, that Hunt had a commitment from Colson, and these commitments, I took it, related to Executive clemency. That was the context in which that comment was made.

Senator INOUE. Liddy had a commitment from Krogh?

Mr. EHRLICHMAN. Yes, sir.

Senator INOUE. That he could receive Executive clemency?

Mr. EHRLICHMAN. That was what Mr. O'Brien said that Mr. Magruder had told him.

Senator INOUE. And Mr. Hunt said that he had a commitment from Mr. Chuck Colson?

Mr. EHRLICHMAN. No; I am not saying that Hunt said that. Bear in mind this is Magruder speaking to O'Brien now. Because of this assertion, I did contact Krogh later on to determine when he had had contacts with Liddy and to try to either verify this or set it aside.

Parenthetically, circumstances indicated that he had had no contact either direct or indirect with Liddy and so the—it was not borne out by anything that I could find collaterally in the time in which I worked.

He said that. He said at the fourth meeting Dean arrived late, Magruder, Dean, Liddy, and Mitchell attended the meeting. There was an intelligence budget of \$200,000–\$250,000. Dean said to Liddy that he, Dean, would have nothing further to do with this. I asked him about charts and he said the charts did exist, and the reason I asked him, of course, is that there was something in the press at this time about the existence of a set of charts. He said that the code name "Gemstone" was used, that that term was not translated into what it really stood for at this meeting. The party, he said, apparently didn't know, or that is what Magruder told him. I said, "Was bugging involved?" and he said, "Yes, bugging was one of the methods involved." It also involved counteractivities at the convention.

Then——

Senator INOUE. Do you know what the \$1 million budget involved?

Mr. EHRLICHMAN. He didn't tell me. This characterization at the bottom of the first page referred, so far as I can recall, to the \$200,000–\$250,000 budget.

He told me that there was a second intelligence operation at the Committee To Re-Elect which was not involved in this series of four meetings. This involved a cab driver who volunteered at the Muskie headquarters. He had been recruited by a friend of Ken Rietz who was a former FBI man in Tennessee, and he went into the Muskie headquarters and volunteered and became Senator Muskie's chauffeur and a friend of the family, and went to Muskie's house for dinner, and soon began carrying all of the Senator's mail back and forth.

2733

Senator INOUE. And he photographed all the mail?

Mr. EHRLICHMAN. Yes; he photographed all of the mail.

Senator INOUE. Who is this friend of Ken Rietz?

Mr. EHRLICHMAN. The FBI man? I don't know. I don't have his name but apparently your staff should because when the Senate staff was looking for someone for this committee staff, he was approached, and so it shouldn't be too hard to find out who that was. He declined the employment apparently. [Laughter.]

One of the pieces of mail apparently was printed in Evans and Novak and so everybody in the Muskie organization was questioned about it except the chauffeur, and the chauffeur was a volunteer, he was paid nothing. Eventually he was transferred from Rietz to Howard Hunt for purposes of management and reporting.

Then I have a notation that Rietz became worried at some point about cash funds, and I believe that refers back to this business of the transfer. In other words, Rietz didn't like what he saw about cash in the organization and he wanted out and at that point he discontinued any connection with this kind of activity and Howard Hunt took it over.

I have a note Magruder was pushing, and I think what that refers to is a statement that Magruder was pushing generally for intelligence information.

He told me that Magruder told him that there had been an entry into the Democratic headquarters in May and that a bug had been planted, that he was satisfied that neither Dean nor Mitchell had knowledge of either the May or June break-in but that Mr. Magruder did.

Then he mentioned that he had been caught—no, I think this is Mr. O'Brien speaking for himself. He was advising caution with regard to John Dean's objectivity, in the advice he might be giving the President in this matter.

Senator INOUE. Who is Hofgren?

Mr. EHRLICHMAN. Hofgren is Daniel Hofgren and that name relates to the note that I will come to farther down on the page.

Mr. O'Brien said that Magruder reaches Strachan, Haldeman, Colson, and the President in his story. I said, "How does Magruder reach the President?"

And he said in this circumstance, Magruder fired Gordon Liddy. he will say, Gordon Liddy went to Gordon Strachan and Gordon Strachan came to Magruder and said, "Move him back," that is, this is Strachan talking to Magruder saying, "Move Liddy back. The President wants this project to go on."

I said, "Is there any other way that this reaches the President?"

And he said, "Not that I know of."

Now, he said, "According to Mr. Hofgren. Mr. Magruder's wife was indicating to three friends apparently that there was a possibility that Mr. Magruder would be indicted and that he was planning to leave the Government."

And that is the reference to Hofgren at the top of the page.

Now, Mr. O'Brien said that neither Magruder nor Mitchell in his. O'Brien's opinion, were inevitably hung in this case by the evidence as he understood it at that point. He said, "Frankly, John Dean is the key problem."

Mr. O'Brien was concerned about the post-Watergate situation and about the handling of money and then he began telling me about this money situation which concerned him. He told me about Mr. Rivers, Mr. Kalmbach's man who delivered \$25,000 in cash to Attorney Bittman by leaving it in a phone booth, and I said, "What became of the money?"

And he said, "I believe it was deposited to their firm account." He said, "There has been obstruction of justice," in his opinion. I asked him to define what he meant by that. He said that a defendant in a criminal case is also a witness, and the purpose of giving money to such a defendant becomes very important. It is OK if one gives them attorneys fees and defense funds or possibly even subsistence but not consideration to not talk, in other words, the quid pro quo of silence.

Then he said, "Money flowed to Howard Hunt, in turn to Howard Hunt's wife, and then in turn, \$19,000 to Mr. McCord, which in turn went to McCord's attorney."

And this was an example that he was citing to me.

He said, Tuesday of this week, meaning the week of the 5th, that McCord was going to present a letter to the court which implicated Attorney Parkinson. He quoted McCord as saying this letter is a lie but I am going to get these bastards. He felt that having said that to the attorneys in the case that that comment was privileged but apparently McCord got cold feet. He stood up to deliver the letter against Parkinson in court but then he sat down without doing so.

Then he characterizes Mr. McCord, Mr. O'Brien does, in the adjectives that you see there in the exhibit.

He said later and I don't know what later—I know what later refers to, I was interrupted in this meeting, and went out, I believe, to take a phone call and came back. He said that Mrs. Hunt had written a memo which named Bittman and Parkinson as involved in the money business. That there is a memo from Parkinson to Dean to LaRue. The memo went to LaRue because LaRue was responsible for obtaining the funds for this purpose.

Just before Howard Hunt was sentenced, which would have been in March, as I recall, although it doesn't say so here, Bittman phoned O'Brien who, in turn passed a message to Dean, Mitchell, and LaRue that Hunt was making a demand for \$70,000.

Then he said in his opinion the attorney-client privilege will not cover meetings he was in or any conspiracy that he was in, and that refers to John Dean, and then he mentioned to me that Dean's attorney is Mr. Hogan. That Dean is represented and that he is actively counseling with an attorney.

He said that two blocks of money were delivered by Mr. Mitchell, I take it, not personally but by the campaign to Mr. Haldeman.

Senator INOUE. How many dollars?

Mr. EHRLICHMAN. I don't know and I don't think he knew. I believe I asked him.

Senator INOUE. Was this in cash?

Mr. EHRLICHMAN. I don't know that either. He just said that he—because I was pressing him for any White House involvement and all through these interviews, Senator, that was the key question all the way through.

He said the night of the Watergate break-in, Sloan and Stans took cash home amounting to about \$81,000 which they returned the next day. This was given to LaRue on advice of Mardian and this money was used for subsistence for the defendants. He said Mr. LaRue has \$100,000 now, \$81,000 of which he has held since that time, since, for the past 11 months.

Sloan said to O'Brien that \$1 million to \$2 million in cash had come in. Stans reported that it was about \$1,700,000, which included \$275,000 that had gone to Kalmbach and \$350,000 sum which had gone to the White House. He said, Mr. O'Brien said, that one sheet of paper exists with an accounting of this \$1,700,000 on it, and three people know where that accounting is.

Senator INOUE. Who are the three people?

Mr. EHRLICHMAN. I will come to that later on in the accounts. I think I had better take this seriatim, if you don't mind, to explain the hieroglyphics as we go along.

He said as far as his reputation was concerned that Mr. Stans was "done" but that he, O'Brien, did not foresee that Mr. Stans would be indicted. He is not guilty of any perjury, he had been very foxy in the statements which he had made, that if he could spend a week with Mr. Kalmbach and could get their accounts straightened out, he didn't foresee that there would be any liability in Mr. Stans.

Then we talked about the civil suits. There were two. The Democratic suit and the Common Cause suit. He felt if the Committee To Re-Elect would only file with the Congress an accounting of all contributions that the Common Cause lawsuit could be mooted. It would take somewhere between 2 weeks and 6 months to get those accounts in shape and he didn't know just how long it would take. He said that Mr. Stans was extremely opposed to doing this because this would break faith with the contributors who had contributed anonymously. He said if we didn't do this, he said, "I am satisfied we are going to lose the case."

In the Democratic National Committee suit, settlement negotiations were underway because Larry O'Brien was now on the payroll of Dwayne Andreas. Mr. Andreas held his future—Mr. O'Brien as long as the countersuits existed couldn't get credit, couldn't buy a house, Robert Strauss wants to settle the case, Mr. Mitchell met with Strauss the previous day. The number that was being kicked around was a \$500,000 settlement and he said there are \$5 million available in the Committee To Re-Elect treasury to make that settlement.

Howard Hunt was a prime—Howard Hunt was a prime contact for Segretti according to Mr. O'Brien and I don't know what his source for this information is. I think we have gone out of the Magruder part of the source business now. That Hunt supplied a Florida printer to three key Segretti men, one a man named Norton in Los Angeles and one from Tampa and another from Florida whose names he didn't know. These three men performed dirty tricks.

Senator INOUE. What were the dirty tricks?

Mr. EHRLICHMAN. Well, the only one I have a note of is generator of Canuck letter and presumably he meant by that that either Segretti or one of these three people were the generator of that letter. What his

source is for that I do not know. I asked him about Dwight Chapin's involvement in this. He said, "Well, Chapin will take a bath," by which he meant his reputation of his good repute will be affected. He said someone is working newsmen for more favorable stories, and his source of information on that was a reporter named Lasky who told him that this was going on.

He said that Chapin had had a lot of Segretti contact. He said Segretti had an immediate worry which was that he had received these payments of cash as you see here in the exhibit totaling \$40,000, by April 15 he was going to have to pay his income tax, he needed guidance from somebody as to how to show that money as income or not, and he lacked money to pay his taxes.

He said he has the problem of how one describes his business, and how to deduct a business expense under those circumstances.

He said that Mr. Segretti had kept a very complete diary in which he had cataloged all of his expenses.

He then told me about Mr. Fensterwald, who was an attorney representing McCord. He said that Mr. Alch wanted out as McCord's attorney. McCord had done some things which Alch did not approve of such as phoning the Embassies of Chile and Israel with the thought they were tapped so he could be dismissed from the Government's actions against him. McCord also had sent an unsigned letter to Jack Caulfield which Mr. O'Brien described as sick, which related to the CIA and Mr. Helms and so forth.

He said that Caulfield had taken the letter to Mr. Dean. Caulfield had seen McCord three times. I asked him whether Caulfield had made any offers to McCord. He said he didn't know. He thought perhaps he had offered clemency but he thought also this would be susceptible of proof because McCord very well may have tapped it.

Senator ERVIN. I hate to interrupt the proceedings but there is a vote on in the Senate and members of the committee have to go perform their senatorial duties.

[Recess.]

Senator BAKER [presiding]. The chairman has been temporarily detained and he asked me to recommence the hearings and to permit Senator Inouye to continue with his examination.

Senator INOUE. Mr. Chairman, I know my time has expired but I wanted the committee to know that my line of questioning was a very simple one. I just wanted the committee to be aware of the symbols in your notes and to better understand the interview notes.

Mr. EHRLICHMAN. Senator, on that, there is a kind of a personal shorthand that runs through there of a few Greek letters which I will be glad to give a Rosetta stone to the staff, if they need it.

Senator INOUE. Will you provide us with your transcript of the meeting with Mr. Mitchell also?

Mr. EHRLICHMAN. I have done so, I believe.

Mr. DASH. Again, what I have given to you, Senator Inouye, is everything that we have received, and we have no—

Mr. EHRLICHMAN. Did you give him the cassette and the transcript of the cassette, counsel?

Mr. DASH. We have the tape—that is right. We have the tape of the Mitchell meeting but I am talking about the notes.

2751

the laws of attorney-client privilege, executive privilege, obstruction of justice and all of these subject that we seemed to be encountering in this.

Senator GURNEY. Who was that?

Mr. EHRLICHMAN. A man named Axel Kleiboomer.

Senator GURNEY. Perhaps you can try to spell it.

Mr. EHRLICHMAN. K-l-e-i-b-o-o-m-e-r, a first-rate young man, a good lawyer, who did the, just the briefing, and he moved to me by courier at San Clemente a great deal of very useful legal reading and I spent the first 2 or 3 days out there in trying to assimilate some of this background of law.

Senator GURNEY. What dates are these?

Mr. EHRLICHMAN. This would have been the 2d, 3d, 4th of April, along in that period.

Now, the Attorney General had been at San Clemente on March 31, and I had had a brief meeting with him at that time and that he had had a private meeting with the President that day. And then he left. Finally Mr. O'Brien's arrival at San Clemente—

Senator GURNEY. Did you and the Attorney General discuss Watergate at all?

Mr. EHRLICHMAN. Yes, the fact that I had this assignment.

Senator GURNEY. But nothing of substance about facts?

Mr. EHRLICHMAN. But not facts as such. He indicated in this conversation on the 28th, just 2 days before or 3 days before, that we had everything he had, in effect, that is the substance of his responses here, and that continued to be the case in the brief conversation that I had with him before he saw the President. I told him that I was trying to get on top of this and I would need some help, some briefing help, and he said he would find the best guy he could and he did, and so we got into it.

Mr. Kleiboomer sent me two big notebooks of brief, and as I say that was sort of heavy going, and I just sat and read it.

With Mr. O'Brien's arrival, however, that was my first interview, and it brought me a whole new picture of this whole matter. A lot of information in what Mr. O'Brien gave me that I had never heard before.

Senator GURNEY. You have recounted most of that to the committee, have you not?

Mr. EHRLICHMAN. No; I am not quite through.

Senator GURNEY. All right.

Mr. EHRLICHMAN. There is quite a bit of business in those notes about money, about the involvements of people who had various funds of money and carried money around and who got money and how Liddy got money and this kind of thing which was all a brandnew subject to me at that point. I reported in quite sketchy detail to the President after I had talked to Mr. O'Brien, and he urged me at that point—

Senator GURNEY. Will you tell us very briefly what he told you about this money and other things?

Mr. EHRLICHMAN. Mr. O'Brien?

Senator GURNEY. Yes.

Gang to see
Hick to

Mag testimony:

Write in date notebook

③ subz. m59

(4) 31 may "Cancelled"

1/27 - Dean - Lid - Mag int.
2/4 - " " " " JMM

Delm - kept it advised by name of all mtgs
Actually were 4 meetings ①②③④

① = 1 - L.L.-SD-JUN in A/G Office
Nov-

JNM doesn't recall
D intro \subset Po M

③ A \$ mil budget - L.C. proposal
All send no -

cc pl^{twice} ③ + ④ twice to JMag (only acc. -
urgung
not price
ord. line
deb

L commitment \rightarrow EK
 H \checkmark \rightarrow CC

④ Dean arrived late - Max Dean Lid SWM
Intell & budget to \$200-250M
Down to Lid = I have nothing further
Units existed -
"Gemstone" coded names

007

"Jewstone" coded name
not translated
This I didn't know
Bugging, the method
convention counter-activities

2923

Ken Ritz - Magruder's 2^d intell opn

└ former FBI man in Tenn

- a cab driver

- Volunteered to Muskie HQ

- Carried all mail

- Chauffeur

photo'd all EM's mail

a piece to E-Novak

All Qd except chauffeur

to EM's for dinner

Paid nothing

Transferred Ritz to HAT

Ken Ritz sought FBI man for staff

Ritz worried about cash funds -

Magr pushing

May entry - bug planted -

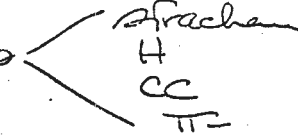
No MM/Knowl of May or
June break-in

ditto did -

2924

Magr - Hofgren

Caution re Dean objectivity

Magr reaches 

fired GL
GL to Strachan
Move him
II wants this project to
go on -

Magr. und. cont.
wife - poss indicated
going to lv govt

Magrider - not inevitably leaving
Not .INM

Dean The Key problem -
Concerned about Post- W/G
Money -



2925

Initial

Mr Rivers (HK)

* 25M cash Bittman - phone
depos. from acct

Obstruction

With - a Def is a WH
Purpose of giving money
or defense funds -
substance -
P to not take

to HH → wife →
to Mc Cord → his atty

Tues this week

(note of 4/5)

McCord letter -

Parkinson - "a lie - going to get
these bastards"

toed atty

privileged

get cold feet -
stuck, sat -

McCord - psychotic
nervous
arrogance
religion - soul-basing

later

Bittman - Parkinson

Mr Hunt wrote memo -

memo (link to Dean to Laine)

Laine became resp for funds

2926

Just bef HH sentence - Bittman ph OB
to Dean, JNM, lat -
\$70M

[City-Client Priv. won't
cover mfg he was
in a conspiracy] Dean

[Dean's City - Hogan -

JNM to H -
2 blocs of \$

Nite of Wgate
Dean + Stans took cash home
\$81,000

Res next day
Given to LaRue on advice of Marclan
Became subsistence -
LaRue has \$100M now (\$1M held for 11 mo in C)
~~Stans~~

Dean said 1-2 mil in cash came in
Stans rep

275M to HK
350 to WH
1,7xx,000

One sheet
of paper
exists -
3 know where

2927

Staus "done"
but no indictment
no perjury - foray

A WK w/ HK -

Dem suit
Common Cause

get CREP to file w/ Cong - need 2 wks or 6 mo -
all Contr. b
Moot the Common Cause
case

Staus very opposed - breaks faith -

Will lose the case -

Dem Nat Com suit -

Andreas hired Larry O'B - holds his fiction
can't get credit

Staus wants to settle
JM meet Staus year.

By Staus - Have \$5 mil

2928

HH a prime contact for Degetti -
Applied a Fla printer

3 Key Degetti men

Norton LA

2 Tampa

3 Fla

} dirty tricks

for of
Guidance
Canuck letter

Chapin will take a bath -

working newsmen for more
favorable stories
per Lasky

Lots of Degetti contact

Degetti's worry -

checks { 1971 - need ck \$667 x 7
72 667 x 1
71

cash

5000
5000 cash HK
25000 cash HK
\$40M

4/15 must pay tax
needs guidance

from 40M income
Lacks \$ to pay tax

2929

What's his business -
How to deduct?

Diary - very complete
- expenses -

Fensterwald

Alch - McCord wanted out

McC ~~for~~ Chile embassies
Israel

That they were Tapped -
∴ he could be dismissed

McCord sent unsigned letter to Caulfield

- sick letter
- don't fire Helms
- CIA defense can't be used
- I'll bring everyone down

Caulfield - letter to Dean

saw McCord 3 times

no offer? perhaps clearing

McC might have taped him -

2930

F never met McCord before
put up \$60M
going to get RN

JK Eastland has file on F -

Remony Clark in this - ?

Rehblatt dangerous now co-counsel
for McCord -

JNM holding settlement w/ Deans -

Must close ranks -
JNM will tough it out -

Martha -

H must bring db up short -
shut up
stop seeing people

2931

Reasoner - Magruder's man.

Per Porter's acct

(Sloan
Cash to BP
pre 4/7 c. \$50,000
to GL 37,000 includes
Howard 8,000 Cabbey
Mardian 200 tip?
Doug Hallatt 400
JNM trip ~~west~~ 300-500
~~Magruder~~ - 400
Lionel Hampton 1000 cash
1100
Walker man 400
Misc 1000

at CC request
for "News Twisters"
book incl -
forcing 2nd editn -

Post 4/7 (Campen Vids -
5-8 to 5-16

GAO known

Porter COH 2000
got cash 11,000

Phil Juano 4400
Odle 2000
✓ 2000

NY Times ad
to 4 to 8
letters -
bus. postage
in support
of Martin
Luther King

Rietz 300 + 450 750
(for Bill)
5x 150

critic trip
west -

Liddy got 5300
Returned 2000
3300

for William French
punched Phil in

28.4 MEETINGS AND CONVERSATIONS BETWEEN THE PRESIDENT AND
JOHN EHRLICHMAN, APRIL 5, 1973.

John D. Ehrlichman

April 3, 1973

PM 12:35 1:32 Luncheon hosted by President and Mrs.
Thieu at LaCasa Pacifica - San Clemente

2:10 3:25 President met with Mr. Ehrlichman
(Ziegler 2:11-2:14)

5:37 5:47 President placed local call to Mr. Ehrlichman

April 4, 1973

AM 10:35 12:38PM President met with Mr. Ehrlichman
(Haldeman 9:08-11:20 & 12:05 - 12:40)

PM 6:07 6:09 President placed local call to Mr. Ehrlichman

April 5, 1973

AM 11:45 2:00PM President met with Mr. Ehrlichman
(Haldeman 11:45-3:00)

PM 3:00 3:30 President met with Mr. Ehrlichman
(Ziegler 3:15-3:25)

April 6, 1973

101536

AM 10:57 11:22 President met with Mr. Ehrlichman

PM 1:25 1:50 President met with Mr. Ehrlichman

7:06 7:50 Motored from San Clemente to Anaheim
Stadium to California Angels Dugout 7:50PM

10:29 11:09 Motored from Anaheim Stadium to San Clemente

April 8, 1973

AM 9:29 4:35 PM El Toro to Andrews AFB

10:40 12:20PM President met with Ehrlichman in flight

29. On April 6, 1973 Ehrlichman met with Kalmbach in the Bank of America parking lot in San Clemente, California. Ehrlichman's notes dictated after the meeting reflect a discussion of Kalmbach's activities in raising and disbursing money for the Watergate defendants. Kalmbach told Ehrlichman that he had retained the services of an attorney, Paul O'Connor.

	Page
29.1 John Ehrlichman log, April 6, 1973 (received from SSC).....	532
29.2 John Ehrlichman testimony, 7 SSC 2752, 2768, 2773...	533
29.3 John Ehrlichman notes of April 6, 1973 meeting with Herbert Kalmbach, SSC Exhibit No. 100, 7 SSC 2947.....	536

DR

✓ THURSDAY, APRIL 5, 1973

8-10:30 Paul O'Brien
 11:00 ~~11:30~~ ~~HRH~~ President
 3:00 President
 4:00 Judge Matthew Byrne

✓ FRIDAY, APRIL 6, 1973

10:30 Bebe Rebozo
 11:00 President
 11:30 Herb Kalmbach (parking lot of Bank of America, San Clemente)
 1:00 Ted Ashley (Warner Brothers)
 1:15-1:45 President
 1:45 ~~3:00~~ Resume lunch with Ashley
 7:00 Baseball game with the President -- Anaheim

✓ SUNDAY, APRIL 8, 1973

8:30 Helicopter from Palomar
 9:00 Depart El Toro
 4:30 Arrive Andrews 2:00 - President (Air Force One)
 5-7 HRH, John Dean

✓ MONDAY, APRIL 9, 1973

10:30 Secretary Shultz' office - Stein, Ash, Flanigan
 12:30 Lunch with ATG - at Justice
 2-2:45 President
 6:30 Blair House - Senators Ervin, Baker

✓ TUESDAY, APRIL 10, 1973

8:30 Bipartisan Leadership
 10:15 Len Garment, Ziegler
 11:15 Ziegler, HRH
 12:45-2 President
 2:20 Mr. Luce (Con Ed), Marshall McDonald (Florida Power and Light)
 3:00 HRH
 3:15 Joined by Dean
 5:00 Len Garment

2752

Mr. EHRLICHMAN. Yes. He told me about a fund of money that existed at the Committee To Re-Elect, of which he knew, and he had a piece of paper that had a lot of information on it, this was Bart Porter's account, as he called it. It was in cash from Sloan to Porter, about \$50,000 of it was pre-April 7 money, \$37,000 of it went to Gordon Liddy, and then he has a whole lot of payments out, most of which I believe Mr. Porter has testified to here.

Senator GURNEY. I see.

Well, let's not go over those that we already know.

Mr. EHRLICHMAN. Right.

Senator GURNEY. But give us new information.

Mr. EHRLICHMAN. He told me about some campaign violations, campaign funding violations, which he said the General Accounting Office knew of which involved, oh, nothing over about \$10,000 but a lot of different items. He told me about Liddy getting some money for Cuban demonstrators in Washington, D.C., you had testimony on that, I guess, and so then I got into the question of who ran the Committee To Re-Elect at various times, particularly during the planning period here. He said that Magruder said he was running the committee, but he was seeing Mr. Mitchell twice a day during this period of time and he felt it was safe to say that Mitchell was running the committee even when he was Attorney General.

Now, that is the balance of the interview with O'Brien, but that gave me a lot of perspective on this thing that I had never had before.

Senator GURNEY. Did he give you any information on the planning of the break-in?

Mr. EHRLICHMAN. Yes; and I testified with Senator Inouye about that, those four meetings and that whole business.

Senator GURNEY. Fine.

Mr. EHRLICHMAN. I had only one other substantive interview while we were at San Clemente in the remaining 3 or 4 days and that was with Mr. Kalmbach, but I became aware through Mr. Haldeman, who was reporting to me, conflicting conversations that he was having with Mitchell and Dean on this whole subject of should Dean go to the grand jury or should Dean go to the prosecutor, and we began trying to understand what lay behind this. Well, I had the background of Mr. O'Brien's interview, and we zeroed in on the fact that it had to do with these four meetings or three meetings or whatever there were, and whether or not Mr. Mitchell might have some exposure for perjury on account of having testified that the meetings were canceled or not.

Senator GURNEY. Yes.

Mr. EHRLICHMAN. And so I had Bob Haldeman trying to get a straight answer out of Mr. Mitchell and he said he could not, so I called Dick Moore and asked him if he would talk to John Mitchell because I knew they had a close relationship.

Senator GURNEY. And that was the reason for Moore's trip to New York?

Mr. EHRLICHMAN. No; it was not. It was subsequent to that trip to New York. I believe this was a telephone call which Mr. Moore said he made to John Mitchell, and Mr. Moore, I believe, also talked to Mr. Mitchell's attorney, although I am not positive of that. But in any event, Mr. Moore reported back that Mr. Mitchell was confident that he had not in any way violated any perjury statute.

2768

Mr. EHRLICHMAN. What he told me in the second interview I had with him I felt was correct and the truth and that he was trying very hard to tell me everything he knew. I had a favorable impression of what he told me, that is, of the—of his attempt to tell the truth.

Senator MONTOYA. The point I am trying to make is, did you reach any conclusion from the interviews with respect to him as to whether or not he was involved either in the pre-June 17 complicity or after?

Mr. EHRLICHMAN. I see. He told me that he had received from the Committee To Re-Elect notice that they had an intelligence capability. He—and I confronted him with what Mr. Magruder had alleged which was that Mr. Magruder had sent over to him a budget which included specific reference to bugging and he said no he would have remembered if anything like that had come over. He was sure he had never seen anything like that. He said that he did receive from Mr. Magruder some material designated Sedan Chair, and it looked to him like synopses of wiretap information. Of course, we have learned since that Sedan Chair was not a wiretap but that was the only thing he said he received. He said he got no Gemstone material at all.

Senator MONTOYA. Mr. Ehrlichman, I am just interested in what you concluded as a result of the interviews with respect to these individuals.

Mr. EHRLICHMAN. All right. My conclusion with regard to Mr. Strachan was that he was a messenger, that he was not an active planner or executor of any plan but simply a conveyor back and forth.

Senator MONTOYA. All right. Now what conclusion did you reach with respect to Mr. Kalmbach?

Mr. EHRLICHMAN. My conclusion after talking with Mr. Kalmbach, as you will see in this memorandum that we have now given the staff, I take it, perhaps it is best if I simply read you a short portion of that as my then contemporaneous conclusion. That will probably be the best evidence. Do you have that, counsel?

Mr. WILSON. I gave them the only copy I had.

Mr. EHRLICHMAN. Do you want to read it?

Senator MONTOYA. Let me, I am running out of time now.

Mr. EHRLICHMAN. All right, very shortly, Senator—

Senator MONTOYA. I merely wanted to get an indication as to what kind of an inquiry you had conducted with respect to each individual.

Mr. EHRLICHMAN. All right. My inquiry with him was as to his money-raising efforts and whether or not he knew, either directly or whether he knew circumstances surrounding his efforts which might have put him on notice that he was engaged in an effort to buy the silence of defendants and I was satisfied that he did not know.

Senator MONTOYA. All right, what inquiry did you make about Mr. Kalmbach?

Mr. EHRLICHMAN. I interviewed Mr. Kalmbach.

Senator MONTOYA. Just briefly, what inquiry did you—you interviewed him?

Mr. EHRLICHMAN. Yes, sir.

Senator MONTOYA. All right. And you taped his conversation?

Mr. EHRLICHMAN. No, sir. I made this memorandum afterward which I have given to the staff.

Senator MONTOYA. All right.

of making findings of fact as to the testimony of specific witnesses. But passing that for the moment, it seems to me that whether there are conflicts in the evidence is not nearly as important as to whether or not conflicts in the evidence are supported, one side or the other, by corroborating independent evidence on material points, and I hope that you will find it possible, and the other members of the committee will find it possible, to examine the various extrinsic pieces of evidence such as the letter from the CIA to the FBI and things of that kind, to determine which of conflicting testimony is entitled to the greater weight.

Senator MONTROYA. I am sure that we will do that. I personally will, I can assure you, Mr. Ehrlichman.

Mr. EHRLICHMAN. Thank you, Senator.

Senator MONTROYA. I will weigh the weight of the testimony, and I will also give consideration to any documentary evidence that you present here and certainly I think all the members will.

Mr. EHRLICHMAN. Good, thank you.

Senator ERVIN. I think one of the prime functions of this committee, outside of making recommendations for legislation, is to find the facts and what the facts are—whether the testimony is from witnesses or from documents. Senator Weicker.

Mr. WILSON. Excuse me, Mr. Chairman, may the notes of the meeting of April 6 which I passed to the Chair be included in the record at this point?

Senator ERVIN. Yes; the reporter will mark it as an exhibit and admit it as such.

[The document referred to was marked exhibit No. 100.*]

Mr. WILSON. Thank you, sir. Excuse me Senator Weicker.

Senator WEICKER. Mr. Chairman, I think a bell has just rung for a vote and this might be the proper time to recess.

Senator ERVIN. We will recess and hurry back as fast as we can.

[Recess.]

Senator ERVIN. Senator Weicker, you may examine the witness.

Senator WEICKER. Mr. Ehrlichman, I am going to refer to your opening statement before the committee and specifically on page 11 of that opening statement, and in the bottom of paragraph you state:

The counsel has always had political duties. The President is the Nation's Chief Executive but he is also by longstanding tradition his political party's leader. Any President has a political role to play whether he is going to run for re-election or not. But if he is a candidate then he is both an executive and a practicing politician. Every such politician wants information, and the President, in his politician role, is no different from the others. He needs and wants information about issues, supporters, opponents, and every other political subject known to man. For the year 1969 to 1970 when I left the post of counsel, I attempted to gather purely political information for the President as I was expected to do, out of real concern for reciprocity, attempted to use only conventional nongovernmental sources of information; as one might hire political aides in a political campaign. Tony Ulasewicz was hired to do this chore of information-gathering. He was paid from existing Nixon political money by check under an appropriate employer's tax number. Among other assignments he executed potential opposition for vulnerability. So far as I am aware, in my tenure as counsel, Mr. Ulasewicz conducted his assignments legally and properly in all respects.

*See p. 2947.

2947

EXHIBIT NO. 100

Notes of a meeting with Herb Kalmbach, April 6, 1973,
in San Clemente, California approximately Noon

Kalmbach was very concerned about the effect of his testimony with regard to raising money for the Watergate defendants upon Kalmbach's reputation and family.

It is his recollection that John Dean telephoned him to ask him to do so upon the representation that both Bob Haldeman and John Ehrlichman had OKayed his doing so.

Kalmbach assumed that he would not be asked to do anything illegal or improper, he had no occasion to check the law nor to inquire into the disposition of the funds, he arranged for a "Mr. Rivers" to carry the money from California to Washington and to deliver it according to John Dean's instructions.

Kalmbach does not know to this day how the money was used. He was not willing to disclose to me who he raised the money from but my impression is that he raised it from two individuals who paid him cash and desired passionately to remain anonymous.

Kalmbach has the impression that the money was to be used for compassionate purposes, that is, the support of the families of the imprisoned defendants, and that the money was being furnished to them by way of a moral obligation for the well-being of the families. He understands that some of the money was to be used for attorneys' fees for the men either directly or indirectly. Kalmbach has retained the services of an attorney named Paul O'Connor of Phoenix, a long-time friend, and he asked that I see Mr. O'Connor on his first visit to Washington as a courtesy. I agreed to do so.

* * *

30. On April 8, 1973 Dean started to meet with the prosecutors. While meeting with the prosecutors, Dean received a call from Air Force One from Haldeman's assistant Lawrence Higby, who asked Dean to be in Ehrlichman's office that afternoon for a meeting. Ehrlichman and Haldeman met with Dean from 5:00 until 7:00 p.m. There was a discussion of the possibility of a grand jury appearance by Dean. Ehrlichman has testified that they discussed, among other things, what this "hang up" was between Mitchell and Dean and Dean's feeling that Mitchell did not want Dean to talk to the prosecutors or appear before the grand jury. Ehrlichman has also testified that the President decided on the flight that he wanted Dean to go to the grand jury, and that Ehrlichman and Haldeman conveyed that to Dean at the meeting.

	Page
30.1 John Dean testimony, 3 SSC 1010-11.....	538
30.2 John Ehrlichman log, April 8, 1973 (received from SSC).....	540
30.3 John Ehrlichman testimony, 7 SSC 2753-54.....	541

EVENTS LEADING UP TO THE PRESIDENT'S STATEMENT OF APRIL 17

During the time I was having conferences with the Government prosecutors, I was avoiding conversations with Mitchell, Ehrlichman and Haldeman as much as I could. However, on several occasions I did talk with Ehrlichman while he was in California. At one point he called me and asked if I had completed my report that I had been working on at Camp David. I told him it was still incomplete. He said that I should send him whatever I had completed. I told him that a section dealing with Segretti's activities, which had been prepared by Dick Moore, but which I had not reviewed myself, was complete as far as I was concerned and I would send it on to him. He said I should send it to California immediately on the DX machine. He said that Haldeman was interested in getting these facts out now because the timing might be good. I sent the report that had been written by Mr. Moore, a copy of which I have submitted to the committee.

[The document referred to was marked exhibit No. 34-44.*]

Mr. DEAN. I also had a conversation with Mitchell about Paul O'Brien going out to visit with Haldeman in California. Mitchell told me that he wanted O'Brien to go out and visit with Haldeman and that he had worked out the meeting. I felt like telling Mitchell that I thought that when I learned the meeting had been switched from Haldeman to Ehrlichman, that O'Brien was being set up, that Ehrlichman would probe him on everything he knew about Mitchell, Dean, and anyone else involved. I did not know if this in fact occurred, but knowing that Ehrlichman and Haldeman were very busy protecting their flanks, I would have to believe that it did occur. I have never talked with O'Brien about what did occur during his meeting with Ehrlichman.

Ehrlichman also asked me if I knew when I would be called before the grand jury. I told him I did not, but that my lawyers were discussing the matter with the prosecutors. I did not tell him that I had already met with the prosecutors but he told me that he wanted to know when I was going to be called because he wanted to talk with me before I appeared.

I believe that the President returned from California on Sunday, April 8. I was scheduled to meet with the prosecutors that afternoon. My attorneys had been discussing my testimony with the prosecutors and they had worked out an arrangement whereby I could give the prosecutors my knowledge directly and what I told them would not later be used against me if they should prosecute me. I felt that I should tell Haldeman that I was going to meet with the prosecutors personally so I called him in California on the morning of April 8 before they departed for Washington. I made the call from Mr. Shaffer's office and when I told him this he said that I should not meet with the prosecutors because, as he said, "Once the toothpaste is out of the tube, it's going to be very hard to get it back in." After this comment, I did not tell Haldeman whether I would or would not meet with them and in fact the meeting went forward. During the meeting and while the President was flying east, I received a call from Air

*See p. 1294.

Force One from Higby, who asked me to be in Wisdom's (Ehrlichman's code name) office at a certain time for a meeting. I believe the meeting was set for 4 or 5 o'clock.

I departed from the meeting with the prosecutors to go into the White House. I went to Ehrlichman's office. There I found Ehrlichman and Haldeman who had just arrived from Andrews Air Force Base and we chatted for a brief moment about their trip. I raised the fact that I had read in the paper that morning that Colson had taken a lie detector test. I said that I hope everyone is willing to take such a lie detector test because it will probably be necessary now that Colson has taken a test. They asked me if I had met yet with the prosecutors or knew when I would be called before the grand jury. I avoided a direct answer to the question by saying that my lawyers were still having discussions with the prosecutors about my appearance before the grand jury. I was then asked some questions about testimonial areas but I gave them evasive answers. Even these evasive answers, which raised matters which related to them, brought forth responses that they did not remember it quite as I did.

During the week of April 9 to April 14, I had several conversations with Ehrlichman and Haldeman but I tried to avoid them as much as possible. I recall some discussions however regarding getting Mitchell to step forward. The theory that had been discussed before they went to California was becoming the policy—"If Mitchell takes the rap the public will have a high level person and be satisfied and the matter will finally end." I felt during each encounter I had with them that I was very much a problem for them but they did not want me to know that they felt so. However, after having been involved with them for months on end in this matter, it was very easy for me to recognize a changed attitude, and on occasion they were almost patronizing in dealing with me.

On Monday, April 9, Mitchell called me and told me he was coming to Washington and wanted to meet with me. I informed Ehrlichman and Haldeman of Mitchell's request and they both wanted me to meet with him. I also discussed this with counsel and there was some discussion with the Government about the meeting. The prosecutors were interested in my taping the conversation but I told them I thought it was most unfair to do, to Mitchell, and that I would not go in and set him up.

After discussing this further with my attorney, and rejecting the suggestion that I record the conversation, I agreed to meet with Mitchell but I had been instructed by counsel to prepare a memorandum of the meeting as soon as the meeting was over. I agreed to do this and I have submitted a copy of that memorandum to the committee.

[The document referred to was marked exhibit No. 34-45.*]

Mr. DEAN. The sum and substance of the meeting was that if and when I were called to testify I would testify fully and honestly. Mitchell said that he understood and did not suggest that I do otherwise. He did, however, believe that my testimony would be very harmful to the President and said that he felt that I should not testify if at all possible. I reported my meeting with Mitchell to Haldeman and Ehrlichman later.

*See p. 1309.

DR

✓ THURSDAY, APRIL 5, 1973

8-10:30 Paul O'Brien
11:00 ~~11:30~~ ~~HRH~~ President
3:00 President
4:00 Judge Matthew Byrne

✓ FRIDAY, APRIL 6, 1973

10:30 Bebe Rebozo
11:00 President
11:30 Herb Kalmbach (parking lot of Bank of America,
San Clemente)
1:00 Ted Ashley (Warner Brothers)
1:15-1:45 President
1:45 ~~3:00~~ Resume lunch with Ashley
7:00 Baseball game with the President -- Anaheim

✓ SUNDAY, APRIL 8, 1973

8:30 Helicopter from Palomar
9:00 Depart El Toro
4:30 Arrive Andrews 2:00 - President (Air Force One)
5-7 HRH, John Dean

✓ MONDAY, APRIL 9, 1973

10:30 Secretary Shultz' office - Stein, Ash, Flanigan
12:30 Lunch with ATG - at Justice
2-2:45 President
6:30 Blair House - Senators Ervin, Baker

✓ TUESDAY, APRIL 10, 1973

8:30 Bipartisan Leadership
10:15 Len Garment, Ziegler
11:15 Ziegler, HRH
12:45-2 President
2:20 Mr. Luce (Con Ed), Marshall McDonald (Florida Power
and Light)
3:00 HRH
3:15 Joined by Dean
5:00 Len Garment

2753

and that he just did not think it was a good idea for the President's lawyer to be going out and testifying; in other words, it was an attorney-client privilege kind of position that he was contending for. It did not satisfy me.

Senator GURNEY. Mitchell now talking about Dean should not testify?

Mr. EHRLICHMAN. That is correct. This thing continued to be a nagging question, and so we called John Dean, as we were headed back, I talked to Haldeman further about this. Dean was not talking to me, all through this period of time, I had not had phone call one from him, which was very unusual because I used to hear from him from time to time on various subjects, including Watergate, but I was completely not on his telephone list and Bob Haldeman was hearing from him all the time. So we talked about what Bob Haldeman—

Senator GURNEY. Did he know that you were performing the role for the President?

Mr. EHRLICHMAN. I believe so.

Senator GURNEY. All right.

Mr. EHRLICHMAN. I believe so. I did not tell him but I believe he well knew it.

As a matter of fact, just before we departed for California this question arose of Mr. Dean being fired by his law firm for unethical conduct and I sent for his personnel package in order to check it. The personnel package arrived in Fred Fielding's arms with scotch tape around it a number of times, and he said, "What do you want this for?" And I said, "Well, there is a story"—and that refreshed my recollection, I did have one phone call from John Dean and that was on that subject. He did call me at San Clemente about that and he said, "I understand you wanted to get my personnel package," and I said "Yes, there is this story about your having been accused of this unethical conduct," and he then told me the long story which he recounted to this committee, that he eventually was able to get the attorney who made the charges to retract the charges, which satisfied me, but I think through Fielding and through my conversation with Fielding on that occasion, Mr. Dean must have known that I was actively in this.

Senator GURNEY. I see.

Mr. EHRLICHMAN. In any event, on the way back we called and asked John Dean to meet us in my office when we returned to Washington that night, and he did so.

Senator GURNEY. What date?

Mr. EHRLICHMAN. Well, April 8, 9.

Senator GURNEY. April 8 between 5 and 7 p.m.?

Mr. EHRLICHMAN. Right; that was a Saturday or Sunday—that was a Sunday night, and we had a 2-hour meeting, Bob Haldeman, John Dean, and I, to try and understand what this hangup was between Mitchell and Dean. We still did not have a feel for it. Then, for the first time, Mr. Dean talked to us about the four meetings or the three meetings back in January and February and explained some of the nuances of the coverup story with regard to Mr. Magruder and the meeting which he, Dean, Magruder, and Mitchell had had in Mr. Mitchell's law office at a time when they were gathered with the attorneys in the case to discuss grand jury testimony where the three

of them had retired to Mr. Mitchell's partners' office away from the attorneys and had discussed how to reconcile their respective recollection of the events of the early 1972 period. So that was the first time that I had from Mr. Dean directly this subject matter.

Senator GURNEY. Did he talk to you at that time about his orchestration of the perjury of Magruder?

Mr. EHRLICHMAN. He did, but he did it in very delicate terms. He did not in any way admit to me flatly that he had, in fact orchestrated it to perjury. He indicated that he had had a part in the preparation of the testimony, that there were, well, I have forgotten how, it was a very careful explanation which did not really implicate Mr. Dean in suborning to perjury by any means, but he indicated that he was well familiar with the problems between Magruder and Mitchell, on the one hand. He felt that Mr. Mitchell had problems which were causing Mr. Mitchell to say that Mr. Dean should not go and talk to the prosecutor or the grand jury and so this was very thoroughly discussed and hashed over during that meeting.

Senator GURNEY. These problems between Dean and Magruder, specifically, did they involve who was responsible for the break-in, in giving the green light to it; is that what you mean?

Mr. EHRLICHMAN. I gathered not. I think they involved disputes in their recollection as to what took place at these Liddy meetings, so-called, back in the early part of 1972.

Senator GURNEY. I see.

Did he go in at that meeting to any detail about his own involvement from June on—Dean, I am talking about—coverup?

Mr. EHRLICHMAN. No; not in evidentiary terms at all. We talked about the President's desire. The President on the flight back, as I recall, we had a meeting on the flight back of about, nearly 2 hours about this and the President decided he wanted Mr. Dean to go to the grand jury, so we conveyed that to Mr. Dean at that time.

Senator GURNEY. What was his reaction to that?

Mr. EHRLICHMAN. He was still very much interested in the question of immunity. He had some information, as I recall, about how the prosecutors felt about the White House, and so he imparted that to us, that he did not feel that anybody in the White House was a target of the prosecutors, that they were after some people who had obstructed justice, like Mardian and LaRue and people at the committee, but that he, Dean, felt that something like an estoppel or functional immunity or something could be worked out with the prosecutors if he went to testify and he seemed generally in agreement with the idea that he go and testify.

Senator GURNEY. Was there any discussion at that meeting about your role in Watergate or Haldeman's role in Watergate?

Mr. EHRLICHMAN. That did not come until this meeting of April 13.

Senator GURNEY. Well, could we go into that one?

Mr. EHRLICHMAN. Yes, sir.

Senator GURNEY. On the 13th, after 2:30 or 3 o'clock in the afternoon I had a conversation with Dean which was apparently as a result of further contacts which he had had with the prosecutor. He told me that Liddy had talked with the prosecutors off the record very completely and that they might get him to talk on the record. That his

31. On April 8, 1973, from 7:33 to 7:37 p.m., the President and John Ehrlichman spoke by telephone. The President has produced an edited transcript of that conversation. A summary has been prepared of that transcript.

	Page
31.1 Meetings and conversations between the President and John Ehrlichman, April 8, 1973 (received from White House).....	544
31.2 House Judiciary Committee staff summary of White House edited transcript of conversation between the President and John Ehrlichman, April 8, 1973, 7:33 - 7:37 p.m.....	545

31.1 MEETINGS AND CONVERSATIONS BETWEEN THE PRESIDENT AND
JOHN EHRLICHMAN, APRIL 8, 1973

John D. Ehrlichman

April 8, 1973 (Cont'd)

PM	4:40	4:48	Andrews AFB to White House
	7:33	7:37	President received call from Mr. Ehrlichman

April 9, 1973

PM	2:14	2:45	President met with Mr. Ehrlichman (Mr. Haldeman 2:05-2:45) (Mr. Garment 2:40-3:00)
	7:55	8:07	President placed call to Mr. Ehrlichman
	8:21	8:23	President received call from Mr. Ehrlichman

April 10, 1973

AM	8:37	10:19	President had meeting in Cabinet Room/ Bipartisan Cong. Leadership
PM	12:48	2:00	President met with Mr. Ehrlichman
	5:59	6:09	President placed call to Mr. Ehrlichman

April 11, 1973

AM	11:05	11:50	President met with Mr. Ehrlichman
PM	12:34	1:20	President met with Mr. Ehrlichman
	2:20	2:59	President met with Mr. Ehrlichman (Mr. Haldeman 1:40-2:59) (Mr. Ziegler 2:15-2:59)
	3:18	4:32	President met with Mr. Ehrlichman (Mr. Haldeman 3:18-4:49) (Mr. Ziegler 3:18-4:20)
	7:14	7:26	President placed long distance call to Mr. Ehrlichman
	7:38	7:43	President placed long distance call to Mr. Ehrlichman

101536

Summary of White House Edited Transcript,
April 8, 1973, From 7:33 to 7:37 p.m.

Ehrlichman reported to the President that Dean would appear before the grand jury and his testimony would harm Magruder, but not Mitchell. The President said that Mitchell should decide whether to tell Dean to say nothing or lie. The President said, "Well, John is not going to lie." The President expressed his opinion that if Dean incriminated Magruder, Mitchell should be concerned that Magruder would incriminate Mitchell and not Haldeman. The President also said the grand jury would be concerned with who gave final approval. The President concluded by telling Ehrlichman that Magruder had better plead the 5th Amendment and we don't want Mitchell popping off.

32. On April 11, 1973 Attorney General Kleindienst had a conversation with Assistant Attorney General Petersen. Kleindienst told Petersen that Ehrlichman had just called to tell Kleindienst that he did not feel that any White House aides should be granted immunity.

	Page
32.1 Henry Petersen testimony, 9 SSC 3629.....	548

effect has admitted it. Should I request his resignation?" And I said, "My goodness, no. Now, here is the first man who has come in to cooperate with us and certainly we don't want to give the impression that he is being subjected to reprisal because of his cooperation. So please don't ask for his resignation at this point." And the President agreed to hold off until I—until he heard from me further on that issue. That carried on until about the 26th or 27th of October and in a statement on the telephone I reached the conclusion after discussions with Silbert that we had reached an impasse in our negotiations with Mr. Dean.

Mr. DASH. You don't mean October. You mean April.

Mr. PETERSEN. Right, Mr. Dash. April, excuse me.

We had reached an impasse in our discussions with Mr. Dean and that I could no longer justify the President's not asking for his resignation, and—

Mr. DASH. Prior to that time, do you recall having a discussion with the President concerning immunity that might be afforded witnesses?

Mr. PETERSEN. Yes, sir.

Mr. DASH. Could you tell us briefly about that?

Mr. PETERSEN. Well, I think that started—that started the preceding Wednesday. Mr. Ehrlichman had called Mr. Kleindienst and Kleindienst called me up there and said he just had a call from John Ehrlichman and Ehrlichman wants to say he didn't think any White House aides ought to be immunized and it didn't make much of an impression on me and I just made a witticism and said, "Well, tell Ehrlichman he can't count on it." and I didn't think anything more about it. Of course, when I learned at the end of the week—

Mr. DASH. And at this time Mr. Dean was in these conversations, in cooperation with the prosecutor.

Mr. PETERSEN. That is right. At the end of the week when I learned Dean was cooperating it made more sense. The President took it up. The President—we went on with this for about 2 or 3 days. We had a difference in viewpoints, of course. The President's concern—I hope I accurately reflect him but it seemed to me the President's concern was that from a public relations point of view, certainly he wanted to leave the impression that he as President was not causing persons who were in the upper echelons of his administration to be immunized and freed from liability. He wanted to make certain that in that respect no one got the impression that they were getting favored treatment.

Well, you know, I understood that to be a consideration but I also understood that if it were in the interests of the prosecution, that it might be necessary to immunize some high echelon person.

Mr. DASH. Did you explain that to the President?

Mr. PETERSEN. I did indeed.

Mr. DASH. And did you get an understanding of who would make the ultimate decision on immunity?

Mr. PETERSEN. Yes, I did.

Mr. DASH. And who would be given that ultimate decision?

Mr. PETERSEN. Me.

Mr. DASH. Now, did that point in time—

Mr. PETERSEN. At that point in time.

33. On or about April 12, 1973 Ehrlichman met with Haldeman's assistant Gordon Strachan. Ehrlichman has testified that Strachan said that he had just returned from the grand jury and that upon leaving the grand jury room he had realized that the testimony he had given was mistaken with respect to the amount of money he had delivered to Fred LaRue. Ehrlichman has testified that he advised Strachan to get an attorney and, subject to the attorney's advice, to tell the prosecutor that he had made a mistake in his testimony.

	Page
33.1 John Ehrlichman log, April 12, 1973 (received from SSC).....	550
33.2 John Ehrlichman testimony, 7 SSC 2767.....	551

✓ WEDNESDAY, APRIL 11, 1973

9:00 Garment
9:15 Dick Moore's office - Garment, Jim O'Connor
11:00-11:45 President
12:30-1:30 President
1:30 Roger Barth, Lee Henkel (tax simplification slide show)
2:10 Roger Barth
2:15-4:00 President
5:30 Blair House (Senators Ervin and Baker)
7:00 Buffet at Italian Embassy - 1601 Fuller - Black tie
9:00 Film at Kennedy Center - Brother Sun, Sister Moon

✓ THURSDAY, APRIL 12, 1973

9:15 President
10:30 Ziegler
11:00 HRH office
11:45 HRH
1:15 HRH, Strachan
2:30 President
3:30 Alan Greenspan
5:00 Garment's office
5:30 State Dining Room - Congressional reception
6:15 Ziegler's office - Dick Moore et al

✓ FRIDAY, APRIL 13, 1973

9:10 President
11:30 Charles Colson
1:00 President
2:30 Dean
3:00 Ziegler
3:10 President
5:00 Colson, David Shapiro
7:30 Dinner at La Fonda
8:30 "Godspell" - Motion Picture Assn.

✓ SATURDAY, APRIL 14, 1973

8:45-11:30 President
11:50 HRH office
12:15 HRH, Dean
1:15 HRH out
1:20 Dean out
1:30 Ziegler
1:40-2:40 John Mitchell
2:55-3:45 President, HRH
4:00 Jeb Magruder, Jim Sheep, Jim Blackwelder
5:00 President

2767

Senator MONTROYA. Well, what particular assignment did he have during the campaign? I understood that he was going from Mr. Halde-
man's office to the CRP and back and forth. Did you know of this assignment?

Mr. EHRLICHMAN. No, sir.

Senator MONTROYA. Have you since found out about this assignment?

Mr. EHRLICHMAN. In the course of these hearings I have learned a great deal more than I ever learned when I was in the White House.

Senator MONTROYA. You mean you did not find out while you were at the White House about Mr. Strachan's assignment?

Mr. EHRLICHMAN. I knew almost nothing about the scope of Mr. Strachan's assignment while he was in the White House until late, you know, in the March-April period, when I got into it and I began interviewing people and he was one of the people I interviewed.

Senator MONTROYA. What did you find out about him?

Mr. EHRLICHMAN. At that time?

Senator MONTROYA. Yes.

Mr. EHRLICHMAN. That he was the liaison man between Mr. Halde-
man and the Committee To Re-Elect for the purpose of keeping both ends of his liaison informed of the acts and desires of the other.

Senator MONTROYA. Did you know him?

Mr. EHRLICHMAN. Yes, sir.

Senator MONTROYA. Did you know him to be a very reliable young man?

Mr. EHRLICHMAN. Well, I did not know him well enough to form an opinion as to his reliability.

Senator MONTROYA. If he conveyed anything to the CRP or brought anything to Mr. Haldeman from the CRP, would you say that he was carrying out his assignment properly?

Mr. EHRLICHMAN. I could not speculate as to that, sir.

Senator MONTROYA. Why can't you?

Mr. EHRLICHMAN. Well, I just do not have that kind of knowledge. Now, so far as reliability is concerned, something occurs to me that perhaps you ought to know. My first interview with Mr. Strachan was on the occasion of his having just returned from the grand jury, and he came in rather shaken and told me that he did not know what to do, and he was looking for somebody to give him some advice. He said that he had just come back from testifying to the grand jury that he had delivered \$350,000 to Mr. LaRue, and he said:

As soon as I left there I knew that was wrong. I had not delivered \$350,000 to Mr. LaRue, I had delivered some lesser sum because I remember that they took some money out or I took some money out.

I have forgotten how he put it, but some money had been taken out for advertising. "What should I do?" And I said, "Well, do you have an attorney," and he said, "No, I do not," and I said:

That is the first thing I think you ought to do, is get some advice. The second thing, it seems to me, that you ought to do, subject to your attorney's advice, is to go and tell the prosecutor you think you have made a mistake in your testimony.

But that is probably the only real gage I have of Mr. Strachan's testimonial reliability.

Senator MONTROYA. Then, what did you find out about—what conclusion did you reach with respect to Mr. Strachan as a result of the interviews that you had?

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